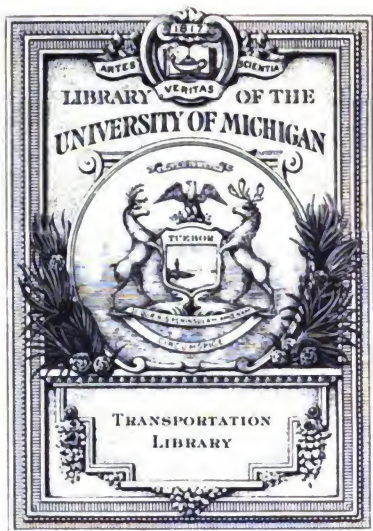






early
Transportation

See index
a Guide to
Bridges
ferries Lake Champlain
highways
Hudson River
lock navigation
roads
Steamboat
Toll bridges
turnpikes

also p 48



New York, Laws, Statutes, etc.

L A W S

OF THE

State of New-York.



TRANSPORTATION LIBRARY

V O L. III.

Containing

ALL THE ACTS

Passed from the Revision of 1801, to the End of the 27th Session of the Legislature, 1804.

A L B A N Y :

PRINTED BY CHARLES R. AND GEORGE WEBSTER,

1804.

11-13-33

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE TWENTY-FIFTH SESSION OF THE LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY, JANUARY 26th, 1802.

Counties and Towns.

C H A P. XVI.

CONTENTS.

1. Boundaries of the County of St. Lawrence.
7. Courts of Common Pleas and Sessions.
8. ——— Terms thereof.
9. Courts to be held at Oswegatchie.
11. Circuit Court.
14. Clinton County, part of Macomb's purchase annexed to.
15. District Attorney.
13. Massena, a certain tract of land annexed to the town of.
- 6, 10. Rights of the inhabitants.
12. St. Lawrence a part of the Western District.
 2. The town of Oswegatchie erected.
 3. Lisbon.—4. Madrid.—5. Massena.
16. Votes of this county to be returned to the Clerk of Oneida.

*An ACT to erect Part of this State into a County, by the Name of
the County of St. Lawrence.*

Passed March 3d, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that tract of land, beginning in the line in the river St. Lawrence which divides the United States from the dominions of the King of Great-Britain, where the same is intersected by a continuation of the division line of great lots number three and four of Macomb's purchase; thence running southeasterly along the said line until it comes opposite to the westerly corner of the township of Cambray; then in a straight line to the said corner of Cambray; then along the rear lines of the said township of Cambray and the townships of D'Kalb, Canton, Potsdam and Stockholm, distinguished on a

map of the said township and filed in the secretary's office, by the surveyor-general ; then by a line to be continued in a direct course from the line of the said township of Stockholm until the same intersects the division line of the great lots number one and two in Macomb's purchase ; thence northerly along the same to the lands reserved by the St. Regis Indians ; then westerly along the bounds thereof to the dominions of the king of Great-Britain ; thence along the same to the place of beginning, shall be and hereby is erected into a separate county, and shall be called and known by the name of St. Lawrence.

- 2 II. *And be it further enacted*, That all that part of the said county lying westward of the boundary lines of the townships of Lisbon and Canton, as distinguished on the map aforesaid, shall be and hereby is erected into a town by the name of Oswegatchie ; and the first town meeting in the said town shall be held at the house of Nathan Ford ; and the said townships of Lisbon and Canton shall continue and remain one town by the name of Lisbon :
- 3
- 4 And that all that part of the said county, known and distinguished on the map aforesaid, by the townships of Madrid and Potsdam, shall be and hereby is erected into a town by the name of Madrid ; and the first town meeting in the said town shall be held at the house of Joseph Edsell : And that all the remaining part of the said county shall be and hereby is erected into a town by the name of Massena ; and that the first town meeting in the said town shall be held at the house of Amos Lay.

- 6 III. *And be it further enacted*, That the freeholders and inhabitants of the several towns erected or continued by this act, shall be and hereby are empowered to hold town meetings, and elect such town officers as the freeholders and inhabitants of any town in this state may do by law ; and that the freeholders and inhabitants of the said several towns, and the town officers to be by them elected respectively, shall have the like powers and privileges as the freeholders, inhabitants and town officers of any other town in this state.

- 7 IV. *And be it further enacted*, That there shall be held in and for the said county of St. Lawrence, a court of common pleas and general sessions of the peace, and that there shall be two terms of the same courts in every year, to commence and end as follows, that is to say : The first term of the said court shall begin on the first Tuesday of June in every year, and may continue to be held until the Saturday following, inclusive ; and the second term of the said court shall begin on the second Tuesday of November in every year, and may continue to be held until the Saturday following, inclusive ; And the said courts of common pleas and general sessions of the peace shall have the same jurisdiction, powers and authorities in the same county, as the courts of common pleas and general sessions of the peace in the other counties of this state have in their respective counties ; *Provided always*, That nothing in this act contained shall be construed to affect any suit or action already commenced, or that shall be commenced before the first Tuesday in June next, so as
- 8

to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this state, but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution as if this act had never been passed.

V. *And be it further enacted*, That until legislative provision 9 be made in the premises, the said courts of common pleas and general sessions of the peace shall be held in the old barracks, so called in the said town of Oswegatchie, which shall be deemed in law the court house and gaol of the said county of St. Lawrence.

VI. *And be it further enacted*, That the freeholders and inhabi- 10 tants of the said county, shall have and enjoy within the same, all and every the said rights, powers and privileges, as the freeholders and inhabitants of any other county in this state are by law entitled to have and enjoy.

VII. *And be it further enacted*, That it shall not be the duty of 11 the justices of the supreme court to hold a circuit court in every year in the said county, unless in their judgment they shall deem it proper and necessary, any law to the contrary notwithstanding.

VIII. *And be it further enacted*, That the said county of St. Law- 12 rence shall be considered as part of the western district of this state.

IX. *And be it further enacted*, That all the residue of the tract 13 of land lying between the division lines aforesaid of great lots number three and four, and of great lots number one and two, in Macomb's purchase and the north bounds of Totton and Crosfield's purchase, shall until further legislative provision in the premises, be considered as part of the town of Massena, in the said county of St. Lawrence : And all that part of Macomb's 14 purchase, included in great division number one, and the Indian reservation at the St. Regis village, shall be annexed to and form part of the town of Chateaugay, in the county of Clinton.

X. *And be it further enacted*, That the said county of St. Law- 15 rence shall be annexed to and become part of the district now composed of the counties of Herkimer, Otsego, Oneida and Chenango, as it respects all proceedings under the act entitled "An act relative to district attorneys."

XI. *And be it further enacted*, That until other provision be 16 made by law, the inspectors of election in the several towns in the said county of St. Lawrence, shall return the votes taken at any election for governor, lieutenant-governor, senators, members of assembly and members of congress, to the clerk of the county of Oneida, to be by him estimated as a part of the aggregate number of votes given at such election in the county of Oneida.

C H A P. LXIV.

C O N T E N T S .

1. Boundaries of the County of Genesee.
2. Civil Officers, proviso as to the time of their appointment.
- 3, 6. Court-House and Gaol, by whom and where to be erected.
4. Courts of Common Pleas and General Sessions.
- 5, 7.—Terms thereof, when and where to be held.
8. Circuit Court & Court of Oyer and Terminer when to be held.
13. Contingent expenses, how raised.
14. Conveyances, where to be recorded.
11. District Attorney.
9. Genesee County, a part of the Western District.
12. Taxes heretofore assessed, how recovered.
15. Town of Northampton—16. Southampton—17. Leister—
18. Batavia—and boundaries thereof.
10. Votes of this county to be returned to the Clerk of Ontario.

An ACT to erect Part of the County of Ontario into a separate County by the Name of Genesee.

Passed March 30th, 1802.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the state of New-York situated west of the main stream of the Genesee-river and a meridian line drawn from the great forks of said river to the Pennsylvania line, (said meridian being the western boundary of the county of Steuben) shall be, and hereby is erected into a separate county, and shall be called and known by the
2. name of Genesee ; *Provided nevertheless*, That the appointment and commissioning of the civil officers for said county, and the exercise of the other incidental powers of a county, shall be and are hereby suspended for one year from and after the passing of this act, and until Lemuel Chipman, John Thomson and Richard M. Stoddard, or any two of them, shall certify under their hands and seals to the person administering the government of this state,
3. that certain proprietors of lands in the said county, known by the name of the Holland Land Company, have at their sole expence erected a sufficient and suitable building or buildings for a gaol and court house for said county, and legally conveyed not less than one acre of land whereon the same are erected, together with the same buildings for the use of said county.
4. **I**I. *And be it further enacted*, That from and after the expiration of one year from the passing of this act, and from and after the commissioning and appointing of the said officers of said county as aforesaid, there shall be held in and for the said county of Genesee, a court of common pleas and general sessions of the peace, and that there shall be two terms of the said courts in every year, to commence and end as follows, that is to say :

The first term of the said court shall begin on the second Tuesday of June in every year, and may continue to be held until the Saturday following, inclusive; and the second term of said court shall begin on the second Tuesday of November in every year, and may continue to be held until the Saturday following, inclusive; *Provided always*, That nothing in this act contained shall be construed to affect any suit or action already commenced or that shall be commenced in any court of common pleas, or before any justice of the peace, before the holding of the first term of the said courts of common pleas and general sessions of the peace in the county hereby erected, so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this state; but all such civil or criminal proceedings shall and may be prosecuted to trial, judgment and execution as if this act had never been passed.

III. *And be it further enacted*, That the said court house and gaol shall be erected at or near the great bend of the Tonawanta-creek, at the village called Batavia, and that the said courts of common pleas and general sessions of the peace shall be held therein at the first court to be held in the county of Genesee, after the appointing and commissioning the civil officers of said county; which said court house and gaol, when erected, shall be deemed in law the court house and gaol of the said county of Genesee.

IV. *And be it further enacted*, That no circuit court or courts of oyer and terminer and general gaol delivery shall be held in and for said county until the same shall in the opinion of the justices of the supreme court become necessary.

V. *And be it further enacted*, That the said county of Genesee shall be considered as part of the western district of this state, and until other provision be made by law the inspectors of election in the several towns in the county of Genesee shall return the votes taken at any election for governor, lieutenant-governor, senators, members of assembly and representatives in congress, to the clerk of the county of Ontario, to be by him estimated as part of the aggregate number of votes given at such election in the county of Ontario.

VI. *And be it further enacted*, That the said county of Genesee, shall be annexed to and become part of the district now composed of the counties of Onondaga, Cayuga, Tioga, Steuben and Ontario, as it respects all proceedings under the act, entitled "An act relative to district attorneys."

VII. *And be it further enacted*, That all taxes heretofore assessed in the county of Genesee, shall be recovered in like manner as if this act had never been passed; and that the supervisors of the county of Ontario, in conjunction with the supervisor or supervisors of the county of Genesee, shall have the like power, until the county of Genesee is organized as aforesaid, to raise all such sums of money for the contingent expences of the said county of Genesee and the county of Ontario, as if this act had not been passed.

- 14 VIII. *And be it further enacted*, That until the holding the said first term of common pleas and general sessions of the peace of the said county of Genesee as aforesaid, all deeds, mortgages and other conveyances, relating to real property situate in the said county of Genesee, shall be recorded in the clerk's office of the county of Ontario.
- 15 IX. *And be it further enacted*, That from and after the day preceding the first Tuesday in March next, all that part of the said county of Genesee, beginning at a point in the division line between the United States and the dominions of the king of Great-Britain due north of the mouth of Genesee-river; thence running south to the mouth of said river; thence up the said river to the northeast corner of number one in the first range of Gorham and Phelps's purchase, on the west side of said river; thence west to the east transit line run by Joseph and Benjamin Ellicott, in 1798; thence north to the said boundary line in lake Ontario; thence eastwardly along said line to the place of beginning, shall be and remain a town by the name of Northampton, and the next town meeting in the said town shall be held on the first Tuesday in March next, at the house of Josiah Fish.
- 16 X. *And be it further enacted*, That from and after the day preceding the said first Tuesday in March next, all that part of the said county of Genesee, beginning at the southeast corner of the town of Northampton, and running thence southerly up the said river to the northwest corner of number nine in the seventh range on the east side of said river; thence west to the east transit line run by Joseph and Benjamin Ellicott, in 1798; thence north to the south bounds of the town of Northampton; thence east to the place of beginning, shall be and hereby is erected into a town by the name of Southampton, and the first town meeting shall be held on the first Tuesday in March next, at the house of Captain Curtis.
- 17 XI. *And be it further enacted*, That from and after the day preceding the first Tuesday in March next, all that part of the said county of Genesee, beginning at the southeast corner of the said town of Southampton, and running thence west to the east transit line run by Joseph and Benjamin Ellicott, in 1798; thence south to the north boundary of Pennsylvania; thence east to the southwest corner of Phelps and Gorham's purchase; thence north to the confluence of the Shanahaskaicon-creek with the waters of Genesee-river; thence down the same to the place of beginning, shall be and hereby is erected into a town by the name of Leicester; and the first town meeting in the said town shall be held on the
- 18 first Tuesday in March next, at the house of Joseph Smith; and that all the remaining part of the said county shall, from and after the day preceding the first Tuesday in March next, be and hereby is erected into a town by the name of Batavia, and the first town meeting shall be held on the first Tuesday in March next, at the house of Peter Van Deventer.

Towns.

C H A P. VI.

CONTENTS.

1. The town of Verona erected.—2. The town of Vernon.

An ACT for dividing the Towns of Westmoreland and Augusta, in the County of Oneida.

Passed 17th February, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday in March next, all that part of the town of Westmoreland bounded northwesterly and westerly by the bounds of the said town, easterly by the original line of the Oneida reservation, and southerly by a line drawn from the southeast corner of lot number two hundred and five, to the southwest corner of lot number one hundred and ninety-nine, in the late Oneida reservation, and thence continued to the junction of Schenondehois with the Oneida-creek, shall be and hereby is erected into a separate town by the name of Verona; and all the residue of the said town of Westmoreland, situate westerly of the said original line of the reservation with that part of the town of Augusta, situate northerly of a line drawn from the southeast corner of lot number two hundred and forty-six, to the southwest corner of lot number two hundred and thirty-nine, and thence continued in the same direction to the said Oneida-creek, shall be, from and after the said first Monday in March next, erected into a separate town by the name of Vernon; which said towns so erected, shall have the like powers and privileges as other towns in the state by law possess and enjoy; and the first town meeting in the said town of Verona shall be holden at the house of Martin Langdon; and the first town meeting in the said town of Vernon, shall be holden at the house of David Tuttle.

C H A P. IX.

CONTENTS.

1. The town of Williamson erected from part of Sodus.
2. Remainder of Sodus to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT for dividing the Town of Sodus, in the County of Ontario.

Passed February 20th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday of March next, all that part of the town of Sodus, in the county of Ontario, comprehended within the townships number

thirteen and fourteen in the second range, and townships number thirteen and fourteen in the third range of townships, be and hereby is erected into a separate town by the name of Williamfon ; and that the first town meeting be held at the dwelling house of Timothy Smith, in said town.

2 II. *And be it further enacted*, That all the remaining part of the town of Sodus, shall be and remain a separate town by the name of Sodus, and that the next town meeting shall be held at the dwelling house of Oliver Kendal, in said town.

3 III. *And be it further enacted*, That as soon as may be after the first Tuesday in March next, the supervisors and overseers of the poor of the said towns of Sodus and Williamfon, on notice being first given for that purpose, shall meet together and divide the money and the poor belonging to the town of Sodus, previous to the division thereof, agreeable to the last state tax list, and that each of the said towns shall for ever thereafter respectively maintain their own poor.

C H A P. XIII.

C O N T E N T S.

1. The town of Locke erected from a part of Milton.
2. The remainder of Milton to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT to divide the Town of Milton, in the County of Cayuga.

Passed February 20th, 1802.

1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday in March next, all that part of the town of Milton in the county of Cayuga, known by the name of Locke, and distinguished on the map of the surveyor-general of the state, as will appear on record in the secretary's office, shall be and is hereby erected into a separate town by the name of Locke, and the first town meeting in the said town of Locke shall be held at the dwelling house of James Cook in said town ; and that all the remaining part of the town of Milton shall be and remain a separate town by the name of Milton, and the next annual town meeting of said town of Milton shall be held at the place where the last town meeting shall have been held.

3 II. *And be it further enacted*, That as soon as may be after the first Tuesday in March next, the supervisors and overseers of the poor of the said towns of Milton and Locke, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and the poor belonging to the town of Milton, previous to the division thereof, agreeable to the last state tax list, and that each of the said towns shall for ever thereafter respectively maintain their own poor.

C H A P. XIV.

CONTENTS.

1. The town of Chesterfield erected from part of Willsborough.
2. Remainder of Willsborough to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT for dividing the Town of Willsborough, in the County of Essex.

Passed February 20th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday of April next, all that part of the town of Willsborough in the county of Essex, within the following bounds, to wit: Beginning at a tree called the twelve mile tree, being the southeast corner of the town of Jay; thence northerly on the height of land until it strikes the south line of Clinton county; thence easterly on the south line of said county as far as the county of Essex extends; thence southerly on the east line of said county until it comes opposite the north shore of the bay of Peru; thence to the north shore; thence on the shore to Howard's brook, and thence westerly to the place of beginning, be and hereby is erected into a separate town by the name of Chesterfield, and the first town meeting shall be held at the dwelling house of Isaac Wright, innkeeper in said town.

II. And be it further enacted, That all the remaining part of the town of Willsborough, shall be and remain a separate town by the name of Willsborough, and the first town meeting shall be held at the dwelling house of Jonathan Lynde, in said town.

III. And be it further enacted, That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns shall, after due notice being given for that purpose by the supervisors of the said towns, meet together and apportion the money and poor belonging to the said town of Willsborough, previous to the division thereof, agreeable to the last state tax list; and that each of the said towns shall for ever thereafter respectively support their own poor.

C H A P. XVIII.

CONTENTS.

1. Town of Malta erected from part of Stillwater.
2. Remainder of Stillwater to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT to erect a Town in the County of Saratoga, by the Name of Malta.

Passed March 3d, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the town

of Stillwater, in the county of Saratoga, comprehended within the following bounds, to wit : Beginning on the south bounds of the town of Stillwater at a place where a small creek known by the name of Dwafs-kill empties into Anthony's kill ; thence northerly on a straight line to a place where the most easterly small creek empties into the south end of the Saratoga-lake ; thence northwesterly to the south bounds of the town of Saratoga ; thence westerly along the south bounds of the said town of Saratoga to the easterly bounds of the town of Milton ; thence south along the easterly bounds of the said town of Milton to the northeast bounds of the town of Ballstown ; thence southerly on the east bounds of the town of Ballstown to the southeast bounds thereof ; thence easterly on the south bounds of the town of Stillwater, to the place of beginning, shall be and hereby is erected into a separate town by the name of Malta ; and that the first town meeting in the said town of Malta, shall be held at the dwelling house of Michael Dunning junior, in said town ; and that all the remaining part of the town of Stillwater, shall be and remain a separate town by the name of Stillwater, and the next town meeting in the said town shall be held at the place to which the same now stands adjourned.

11. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the said towns of Stillwater and Malta, shall by notice for that purpose by them given, meet together and divide the money and poor belonging to the said town of Stillwater previous to the passing of this act, among the said towns of Stillwater and Malta, agreeably to the last state tax list ; and that each of the said towns shall for ever thereafter respectively maintain its own poor.

C H A P. XXVIII.

C O N T E N T S .

Barren-Island in Kings county annexed to the town of Flatlands.

An ACT relative to Barren-Island in Kings County.

Passed March 8th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Island commonly called Barren-Island, in Kings county, lying on the south side of the town of Flatlands, bounded easterly by the inlet which separates it from Rockaway beach, southerly by the Atlantic ocean, westerly by the inlet that separates it from Plumb beach, and northerly by a narrow creek that separates it from the marsh lying south of the said town of Flatlands, shall be, and the same is hereby annexed to the aforesaid town of Flatlands.

C H A P. LIX.

C O N T E N T S.

1. Town of Hartwick erected from part of Otsego.
2. Remainder of Otsego to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT to divide the Town of Otsego, in the County of Otsego.

Passed March 30th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Tuesday in February next, all that part of the town of Otsego, in the county of Otsego, being part of Hartwick's patent, bounded as follows, to wit: Beginning at the northeast corner of a lot distinguished on a map of said patent made by William Ellison, by lot number forty-eight, on the west bank of the Susquehannah-river, and running from thence, on the north line of said lot number forty-eight and lot number forty, to the northeast corner of lot number thirty-two; from thence north two degrees west, to the north bounds of said patent; from thence along the north bounds of said patent, to the northwest corner thereof; from thence along the west bounds of said patent, to the southwest corner thereof; from thence along the south bounds thereof, to the Susquehannah-river; and thence up the said river to the place of beginning, shall be and hereby is erected into a separate town, by the name of Hartwick; and that the first town meeting be held at the house of Joseph Lipsett, in said town; that all the remaining part of the town of Otsego, shall be and continue a town by the name of Otsego; and that the first town meeting be held at the court house, in the village of Cooperstown, in said town.

II. *And be it further enacted,* That as soon as may be after the first Tuesday in May, one thousand eight hundred and three, the supervisors and overseers of the poor of the towns aforesaid, shall by notice be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Otsego, and the poor money belonging to the same, previous to the division thereof, according to the last state tax list; and that each of the said towns shall thereafter respectively maintain their own poor.

C H A P. LXII.

C O N T E N T S.

1. Town of Hector erected from part of Ovid.
2. Remainder of Ovid to continue a separate town.
3. Supervisors and overseers of the poor, their duty.

An ACT to divide the Town of Ovid, in the County of Cayuga.

Passed March 30th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day in

February next, all that part of the town of Ovid in the county of Cayuga, known by the name of Hector, and so distinguished on the map of the surveyor-general of this state on record in the secretary's office, shall be and hereby is erected into a separate town by the name of Hector, and the first town meeting in the said town of Hector shall be held at the dwelling house of Grover Smith, in said town ; and that all the remaining part of the said town of Ovid, shall be and remain a separate town by the name of Ovid, and the next annual town meeting in the said town of Ovid shall be held at the usual place of holding town meetings.

II. *And be it further enacted*, That as soon as may be, after the first Tuesday in March, in the year one thousand eight hundred and three, the supervisors and overseers of the poor of the said towns of Ovid and Hector, on notice being first given by said supervisors for that purpose, shall meet together, and divide the money and the poor belonging to the said town of Ovid, previous to the division thereof, agreeable to the last state tax list ; and that each of the said towns shall for ever thereafter respectively support their own poor.

C H A P. LXXVII.

C O N T E N T S.

1. Town of Cato erected from part of Aurelius.
2. Owasco—3. Jefferson—4. Brutus, from the same.
5. Residue of Aurelius to continue a separate town.
6. Supervisors and overseers of the poor, their duty.

An ACT to divide the Town of Aurelius, in the County of Cayuga.

Passed March 30th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day of February next, all that part of the town of Aurelius, lying north of the Seneca-river, shall be, and is hereby erected into a separate town by the name of Cato ; and the first town meeting shall be held at the house of Israel Wolverton, in said town ; that all that part of the town of Aurelius, lying east of a line drawn from where the south bounds of the town intersected the waters of the Owasco-lake ; thence following the waters of said lake until they intersect the south bounds of lot number forty-seven in the township of Aurelius ; thence east to the east bounds of the county of Cayuga, shall be, and is hereby erected into a separate town by the name of Owasco ; and the first town meeting shall be held at the house of Moses Co. twright senior, in said town ; that all that part of the town of Aurelius, lying west of the town of Brutus, herein after named, south and east of the Seneca-river, and north of the north bounds of lots number twenty-one, twenty-two, twenty-three, twenty-four and twenty-five in the late Cayuga reservation, and north of the north bounds of lots number twenty-four, twenty-five and

T O W N S.

twenty-six in the township of Aurelius, shall be, and is hereby erected into a separate town, by the name of Jefferson; and the first town meeting shall be held at the house of Ezekiel Crane, in said town; that all that part of the town of Aurelius, lying north of the said town of Owasco, west of the county of Onondaga, south of the Seneca-river, and east of lots number fifty, sixty-three, seventy-four, eighty-five and ninety-five in the township of Brutus, and east of lots number five, sixteen, twenty-six, thirty-eight and forty-seven in the township of Aurelius, shall be, and is hereby erected into a separate town, by the name of Brutus; and the first town meeting shall be held at the house of Thomas Wright, in said town; and that all the residue of the town of Aurelius, shall be and remain a separate town, by the name of Aurelius; and the first town meeting shall be held at the house of Henry Moore, in said town.

II. *And be it further enacted*, That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns, on notice being previously given by said supervisors for that purpose, shall meet and divide the poor money belonging to the said town of Aurelius, previous to the division thereof, agreeable to the last state tax list, and that each of the said towns shall for ever thereafter respectively support their own poor.

C H A P. XCIII.

C O N T E N T S.

1. Town of Brownville erected from part of Leyden.
2. Adams, from a part of Mexico.
3. Rutland, from a part of Watertown.
4. Leyden—5. Mexico—6. Watertown—remaining parts of each to continue separate towns.

An ACT to divide the Towns of Leyden, Watertown and Mexico, in the County of Oneida.

Passed April 1st, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day of February next, all that part of the town of Leyden, beginning at the northwesterly corner of the town of Champion; thence north forty-five degrees east, to the southwesterly bounds of the county of St. Lawrence; thence northwesterly along the same to the river St. Lawrence; thence southwesterly up said river and lake Ontario, to the mouth or outlet of Black-river; thence easterly up said Black-river, to the place of beginning, shall be erected into a town by the name of Brownville; and that the first town meeting be held at the house of Jacob Brown in said town; That all that part of the town of Mexico, known by townships number seven and eight, bounded northeasterly by the town of Watertown,

shall be erected into a town by the name of Adams ; and that the first town meeting be held at the house of Eliphalet Edmons in
 3 said town : That all that part of the town of Watertown, distinguished by township number three, shall be erected into a town by the name of Rutland, and that the first town meeting be held
 4 at the house of David Coffeen in said town ; and that all the remaining part of the town of Leyden, shall be and remain a separate town by the name of Leyden ; and that all the remaining
 5 part of the town of Mexico, shall be and remain a separate town by the name of Mexico ; and that all the remaining part of the
 6 town of Watertown, shall be and remain a separate town by the name of Watertown ; and the next annual town meetings to be held in the said towns of Leyden, Mexico and Watertown, shall be held at the places to which they respectively stand adjourned.

C H A P. LXXIV.

An ACT to alter the Boundary Lines between the Towns of Queensbury and Fairfield, in the County of Washington.

Passed March 30th, 1802.

WHEREAS it hath been represented to the legislature, that the present boundary line between the towns of Queensbury and Fairfield, are inconvenient to the inhabitants residing on the east side of the town of Fairfield : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the division line between the said towns shall be one mile west of where it now is, and that the north and south lines of Queensbury shall extend to the same.

City of Schenectady.

C H A P. LXXIX.

C O N T E N T S.

9. Assessments for improving the streets, how made.
10. ——— If not complied with, lots may be sold.
11. ——— If insufficient, further assessments may be made.
12. ——— Amount thereof to remain a lien on the lots assessed.
13. ——— May be recovered by action of debt.
15. ——— If paid by one person when by right they should be paid by another, his remedy.
14. Agreement between individuals, this act not to affect.
16. Common Council invested with the powers of Com. of highways.
2. Expences of improving the streets by whom borne.
- 4, 5. ——— How apportioned and recovered.
18. Mayor's power in granting licences, not abridged.

7. Penalties for neglect may be inflicted, not exceeding 25 dols.
1. Streets, Common Council to direct the mode of improvement.
3. Superintendants may be appointed by the Common Council.
6. ——— To take an oath.
8. Vacant lots, owners thereof not complying with general regulations for paving, &c. how proceeded against.
17. Wards, 3d and 4th, to elect Supervisors and Com. of highways.

An ACT for improving the Streets in the first and second Wards of the City of Schenectady, and for other Purposes therein mentioned.

Passed March 30th, 1802.

I. **BE** it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the mayor of the city of Schenectady, together with the aldermen and assistants of the first and second wards of the said city, or the major part of them, from time to time to convene in common council, and make and establish ordinances and regulations for pitching, levelling and paving or gravelling the streets, and the cutting in to any drain or sewer; and the altering, amending, cleansing and scouring of any street, vault, sink or common sewer, within the same wards, by the owners or occupants of houses and lots intended to be benefited thereby; and to appoint one or more discreet and skillful persons to superintend and prescribe the manner in which the aforesaid work shall be performed; and to apportion the sum which shall or may be agreed to be paid to the said superintendant, in proportion as nearly as may be, to the advantages which each owner or occupant shall be deemed to acquire; and that the sums imposed on the said owners and occupants respectively, by such apportionment, shall be recoverable of them in the name of the said superintendants, before any justice of the peace in and for the county of Albany; *And further*, That the said superintendants shall, before they enter upon the execution of their offices, severally take and subscribe before the mayor of the said city an oath, well and truly to execute the duties of their offices without fear, favour or partiality, according to the ordinances and regulations to be made and established by the said mayor, aldermen and assistants, and shall file certificates thereof in the clerk's office of the said city.

II. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and assistants, or the major part of them, to make bye laws, and inflict penalties, not exceeding twenty-five dollars, for every neglect, or to enforce obedience to such ordinances and regulations as they shall or may make, touching the aforesaid premises; which penalties shall be recoverable in the name of the treasurer of the said city, for the use of the said city, with costs of suit, in any court of record within this state.

III. *And be it further enacted*, That in case any lots in front whereof the streets shall be directed to be pitched, levelled and paved or gravelled, or that shall be intended to be benefited by

- cutting in to any drains and sewers, or by altering, amending or cleansing the same, shall be vacant, and the said mayor, aldermen and assistants, or the major part of them, shall make any general regulations in any part of the said first and second wards, for the purposes aforesaid, it shall be lawful for the said mayor,
- 9 aldermen and assistants, or the major part of them, in case such regulations shall not be complied with, to cause an estimate of the whole expence of conforming to such regulations with respect to each lot, which the owner thereof shall refuse or neglect to put in the order thereby required to be made, assessed and certified by three assessors, to be appointed by the said mayor, aldermen and assistants, and the same being approved of by the said mayor, aldermen and assistants, or the major part of them, they shall cause the same to be advertised in one of the public newspapers printed in the said city, and in one of the public newspapers printed in the city of Albany, for six months, thereby requiring the owners of such lots respectively to pay the sum or sums at which the said lots shall be assessed to the treasurer of the said city, and that if default shall be made in such payment, such lot will be sold at public auction, at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum
- 10 or sums assessed on the same for the expence aforesaid; and if notwithstanding such notice and demand, the owner or owners shall refuse or neglect to pay such assessment with the costs and charges thereof, and of the advertisement, then it shall be lawful for the said mayor, aldermen and assistants to cause the said lot to be sold at public auction for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators and assigns shall by virtue thereof, and by this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, and all claiming under him or them, until his term therein shall be fully complete and ended, being at liberty to remove all the buildings and materials which he or they shall erect or place thereon, but leaving the ground in sufficient fence, and with the street or streets fronting the same in the order required by the said regulations; *Provided always*, That if after defraying the actual expence of conforming any lot so to be sold for a term of years to the regulations aforesaid, and deducting all reasonable charges attending the same, a surplus of the purchase money shall remain in the hands of the treasurer of the said city, the same shall forthwith be rendered to the owner or owners of such lot or lots respectively, or his or their legal representatives.
- 11 IV. *And be it further enacted*, That if upon the completion of any such regulation, it shall appear to the said mayor, aldermen and assistants, or the major part of them, that a greater sum of money hath been *bona fide* expended in conforming any lot or lots to such regulations, than the sum or sums estimated and collected

as aforesaid, it shall then be lawful for the said mayor, aldermen and assistants, or the major part of them, to cause a further assessment, equal to such excess to be made and collected in manner aforesaid; *And further*, That in case the sum or sums actually expended shall be less than the sum or sums expressed in such estimate, and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same were collected, or their legal representatives.

V. *And be it further enacted*, That the amount of every estimate and assessment to be made as aforesaid, shall be and remain a lien on the lot or lots so estimated, from the time of the completion and return of such estimate in manner aforesaid, until paid or otherwise satisfied; and that it shall be lawful for the said mayor, aldermen and assistants, or a major part of them, instead of the remedy herein above provided, if they shall see fit, in case any owner or occupant of any lot within the said city, shall neglect or refuse to conform his lot to such regulations as aforesaid, to conform the same to such regulations at their own expence, and to sue for and recover the amount of that expence, from the owners of such lots or their legal representatives, with interest and costs, in any court within this state having cognizance thereof, in an action on the case, in the name of the treasurer of the said city, for so much money by them paid, laid out and expended for such owners; and the said estimate or assessment, with the proof of the amount and payment of the said expence, shall be conclusive evidence for the plaintiff in every such action.

VI. *And be it further enacted*, That nothing in this act shall affect any agreement between any landlord and tenant, respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never been made; *And further*, That if any money, so to be assessed, shall be paid by any person, when by agreement or by law the same ought to have been borne and paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, with proof of payment, shall be conclusive evidence for the plaintiff in such suit.

VII. *And be it further enacted*, That from and after the passing of this act, the mayor, aldermen and assistants of the said two wards, shall, within the said wards, be invested with all the powers vested in the commissioners of highways, for the several towns within this state.

VIII. *And be it further enacted*, That it shall be lawful for the freeholders and inhabitants of the third and fourth wards, within the said city, qualified to vote at town meetings, to elect on the annual town meeting days, three commissioners of highways and one supervisor, for each of the said wards, who shall have the same power and authority as the commissioners of highways, and the supervisors of the several towns within this state; *Provided*

always, That nothing herein contained shall be construed to abridge the powers of the mayor of the said city of Schenectady, relative to granting permits for retailing spiritous liquors, and keeping inns and taverns within the said city.

City of Hudson.

C H A P. LXXXVI.

CONTENTS.

- 1, 3. Common Council may order certain sums of money annually to be raised.
2. And a further sum of money to discharge a certain debt.
4. Turnpike company not to take gravel from the burying ground.

An ACT for defraying certain Expences in the City of Hudson.

Passed April 1st, 1802.

WHEREAS the mayor, recorder, aldermen and commonalty of the city of Hudson, have by petition represented to the legislature, that certain acts, and parts of acts, making provision for raising by tax, certain sums of money within the said city, are about expiring; and also, that a new market house hath been lately erected in the said city, by order of the common council thereof; for the erection of which individuals have contributed, by way of loan, nearly eight hundred dollars, and praying for relief in the premises: Therefore,

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson, to order the raising for five years to come, annually, a sum not exceeding in any one year five hundred dollars, by tax on the real and personal estates of the freeholders and inhabitants of the said city, for defraying the incidental expences in the management
- 2 of the police: And also to raise in like manner, a sum not exceeding eight hundred dollars, to reimburse the expence of building the market house above mentioned.
- 3 II. *And be it further enacted,* That it shall be lawful for the said mayor, recorder, aldermen and commonalty, to order the raising a further sum, not exceeding six hundred and twenty-five dollars in any one year, annually, for five years, for the purpose of defraying the expence of lighting the said city, and of maintaining a night watch, by a tax on the real and personal estates of the freeholders and inhabitants of the said city, residing within the compact part thereof, and included within the limits of the same, agreeable to a late survey made by Jonas Smith, as filed in the clerk's office of the said city.

III. *And whereas,* It has been further represented by the said mayor, recorder, alderman and commonalty, that the burying

ground in the said city, has been dug by certain turnpike corporations, for the purpose of obtaining gravel therefrom, under pretence of powers granted to them by law : Therefore ; *Be it further enacted*, That it shall not be lawful for any turnpike corporation, to dig up or carry away any gravel from the burying ground in the said city, without the leave and permission of the common council of the said city first had and obtained.

City of Albany.

C H A P. CI.

CONTENTS.

5. Butchers, licences to them for what cause to be suppressed.
3. Chamberlain, his duty in respect to prosecuting offenders.
6. Markets, Common Council may establish bye laws to regulate.
4. Mayor, to grant licences to the Butchers.
10. ——— To grant permits to Tavernkeepers and Retailers.
11. ——— To receive and account for excise duties.
- 3, 12. — His fees for licences and permits.
1. Superintendent of the Market, to be appointed by the Mayor.
2. ——— His duty.—9. To take an oath.
7. ——— His further duty and compensation.
13. Tavernkeepers and Retailers, complaints against them, by whom to be heard and determined.
14. ——— On conviction, their licences to be suppressed.

An ACT concerning the City of Albany.

Passed April 3d, 1802.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor of the said city, as clerk of the market, shall at least once in every year, and oftener if he shall deem it necessary, by writing under his hand and seal, appoint one inhabitant of the said city, being a citizen of the United States, to be the superintendent of the markets in the said city, whose duty it shall be, under the direction of the said mayor, to inspect the weights, measures and balances, that shall or may be used in the said markets, and to seize and destroy such as are not according to the established standard ; and also to inspect on every market day, all meats that may be exposed for sale in said markets, and to seize and destroy such as may be tainted, or otherwise unfit to eat ; and also to inspect the stalls in the said markets, and cause the occupants to keep them clean, and to keep clean the equal half of the said markets, fronting and adjoining to such stalls ; and also to enquire into the conduct of all persons who shall expose for sale, or vend any provisions in the said markets, and whether they or any of them are guilty of any infraction of

the bye laws of the common council, and to report all offenders against such bye laws to the chamberlain of the said city, whose duty it shall be forthwith to prosecute the offenders, for the penalties annexed to their several offences.

II. *And be it further enacted*, That it shall be lawful for the said mayor, by writing under his hand and seal, to license so many butchers within the said city as he shall deem necessary, which licences shall endure until the first Tuesday of May in every year next after their date, unless the same shall be sooner suppressed by the mayor or recorder and any two aldermen of the said city, by reason of any infraction of the bye laws of the common council, or for other mal-conduct of such butchers, in the course of their trade, which shall be enquired of, and determined upon in a summary way.

III. *And be it further enacted*, That it shall be lawful for the said common council, from time to time, to make, ordain and establish such bye laws as they shall deem reasonable and necessary for regulating the markets within the said city.

IV. *And be it further enacted*, That it shall be lawful for the said superintendent to exact and receive from the said butchers respectively, such sums, as the said mayor shall, from time to time prescribe, which sums the said superintendent shall account for to the mayor, who shall pay out of the same to the said superintendent such compensation for his salary as they shall agree on, and retain the overplus to his own use ; *Provided always*, That it shall not be lawful for the said superintendent to exact and receive as aforesaid, more than six cents for every quarter of beef, and four cents for every calf, sheep and hog, and two cents for every carcass of other meat of whatsoever kind it may be, which shall be cut up or exposed for sale in the said market by any of the said butchers ; *And further*, That it shall be lawful for the mayor to exact and receive to his own use, one dollar for every butcher's licence.

V. *And be it further enacted*, That the superintendent shall, before he enters upon the execution of his said office, take and subscribe an oath or affirmation before the mayor or recorder of the said city, well and faithfully to execute the duties of the said office, without favour, affection or partiality, and file the same in the office of the clerk of the said city.

VI. *And be it further enacted*, That it shall be lawful for the mayor to grant permits for retailing spiritous liquors under five gallons, and for keeping taverns within the said city, at the time, and under the regulations prescribed in the act, entitled " An act to lay a duty on strong liquors, and for regulating inns and taverns," and also to exact and receive from the several persons to whom such permits shall be granted, the same excise duties as are allowed and prescribed by the said recited act, to be accounted for and paid over to the overseers of the poor of the said city, for the support of the poor thereof, besides a fee of two dollars for every such permit, as a compensation for the services of the said mayor.

VII. *And be it further enacted*, That it shall be lawful for the 13
 mayor or recorder and any two of the aldermen of the said city,
 to hear and examine in a summary way, and determine upon all
 complaints against the retailers of spiritous liquors, and the keep-
 ers of inns and taverns, within the said city, for offences against the
 above recited act, or for keeping disorderly houses ; and on con- 14
 viction to suppress the licences of the offenders.

Port of New-York.

C H A P. XLVIII.

CONTENTS.

6. Apprentices, Masters of pilot-boats to have at least two.
7. ——— Their time of service.
8. ——— To be examined annually touching their knowledge
 of the Tides, &c.
1. Master and Wardens, their duty when a person applies for a
 certificate that he is qualified for the office of Pilot.
2. Pilots, Branch, to attend the examination of persons applying
 for certificates.
11. ——— To take regular tours of duty at sea—a compliance
 to be enforced by the Wardens.
9. ——— Branch and Deputy, their duty in heaving the lead.
10. ——— Penalty for neglect thereof.
3. ——— Qualifications of persons applying to become.
4. Pilotage money, to whom to be paid.
5. ——— May be sued for.
12. ——— In what cases not to be required.

*An ACT to amend the Act, entitled "An Act relative to the Harbour-
 Master, and Master and Wardens and Pilots of the Port of New-
 York, passed April 3d, 1801."*

Passed March 19th, 1802.

I. **B**E it enacted by the People of the State of New-York, represent-
 ed in Senate and Assembly, That when any person, in
 conformity to the eighth section of the act hereby amended, shall
 apply to the master and wardens of the port of New-York for a
 certificate, that he is qualified for the office of branch-pilot or de-
 puty-pilot, it shall be the duty of the said master and wardens be-
 fore granting such certificate, to appoint a time for the examina-
 tion of such applicant, not less than five days thereafter, and
 shall immediately give notice to at least three branch-pilots be-
 longing to different pilot-boats, of the name of the person so ap-
 plying, and the day and hour assigned for his examination ; and
 it shall be the duty of such branch-pilots to attend agreeable to
 notice given as aforesaid, and ask such applicant all questions,
 that they or any one of them may think necessary and proper,

3 touching his qualifications for the office of branch-pilot or de-
puty-pilot, (as the case may be.) *And further*, It shall not be
lawful for the said master and wardens, or any three of them, to
grant any certificate, as is directed in the said eighth section, un-
less it shall appear to them, that the person so applying, if for a cer-
tificate, as to his qualification for the office of deputy-pilot, has
served as an apprentice for five years in one or more of the pilot-
boats belonging to the port of New-York; and if for a certificate,
as to the applicant's qualification for the office of a branch-pilot, has
served two years as a deputy-pilot and an apprentice together in
one of the aforesaid boats.

4 II. *And be it further enacted*, That it shall and may be lawful
for the master of each pilot-boat belonging to the port of New-
York to receive all pilotage money due to any pilot belonging to
5 the same, and on refusal of payment to sue for and recover the
same, in the name of such master, any law, usage or custom to
the contrary thereof notwithstanding.

6 III. *And be it further enacted*, That the master and owners of
each pilot-boat shall have not less than two apprentices attached
7 to each boat, whose time of service shall be for not less than five
years; and it shall be the duty of the said master or owners to at-
tend to the instruction of said apprentices in the art and mystery
8 of a pilot; and it shall be the duty of the said master and war-
dens, at least once in every year, to examine the said appren-
tices, touching their knowledge of the tides, soundings, bearings
and distances of the reefs, shoals, bars, points of land and islands,
and every other matter tending to promote the safe navigating of
vessels between the harbour of New-York and Sandy-Hook.

9 IV. *And be it further enacted*, That it shall be the duty of every
branch-pilot or deputy-pilot, upon taking charge of any vessel,
either outward or inward bound, when under way, to cause the
10 lead to be continually hove; in default whereof, the said branch-
pilot or deputy-pilot shall be subject to the penalty of twenty-five
dollars, to be recovered in like manner as is directed in the tenth
section of the act hereby amended.

11 V. *And be it further enacted*, That every branch-pilot shall take
his regular tour of duty at sea; and it is hereby made the duty of
the wardens to enforce a compliance therewith.

12 VI. *And be it further enacted*, That it shall not be lawful for any
pilot to demand or take pilotage from the master or owner of
any coasting vessel under the burden of fifty tons, and sailing un-
der a coasting licence, except in cases where such coasting ves-
sel shall receive a pilot for the purpose of taking her into, or out
of the port of New-York.

Court of Chancery.

C H A P. XV.

CONTENTS.

- 5. Assistant-Register, his office to be held in New-York or Albany.
- 6. ——— To receive the same fees as the Register.
- 7. Clerks, their duty with respect to certain records, &c.
- 1. Court of Chancery, to be held in Albany and New-York.
- 2. ——— Times of holding to be appointed by the Chancellor.
- 3. ——— Terms to continue at least eight days.
- 15. Decrees, the Court may enforce by execution.
- 12. Process to be under seal.
- 4. Register, to hold his office in New-York or Albany.
- 16. Rules, Court may establish.
- 9. Serjeant at Arms, his office abolished.
- 10, 13. Sheriffs to execute process from this Court.
- 11. ——— To give their attendance at the Court as required.
- 14. ——— Fees, the same as in the Supreme Court.
- 8. Solicitors, their duty with respect to notices, &c.

An ACT concerning the Court of Chancery.

Passed February 23d, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That a court of chancery shall be held at least twice in the city of Albany, and twice in the city of New-York in every year, and at such other times as the chancellor shall think proper; and that the chancellor shall appoint the times for holding the said courts; but he may nevertheless alter the same from time to time as he shall judge most for the public convenience; *Provided*, That no alteration shall take effect, until at least one term of the said court shall have intervened, after the term when the alteration shall have been made; *And provided further*, That the terms of the said courts shall continue and be held at least eight days and longer if it be needful.

II. *And be it further enacted*, That the register of the court of chancery for the time being, shall keep his office in the city of Albany or in the city of New-York, as the chancellor shall direct, with the records, books and papers thereunto belonging.

III. *And be it further enacted*, That there shall be an assistant-register of the court of chancery, to be appointed by the chancellor, and to hold his office during the pleasure of the chancellor, who shall keep his office with all the records, books and papers thereunto belonging, in the city of New-York or in the city of Albany, as the chancellor shall direct, and perform all the duties of register of the said court in the city of New-York or in the city of Albany, or which may be committed to or required of him by the chancellor, or by the party or parties interested therein, for which he shall receive such fees as are or may be allowed to the register of the court of chancery for the like services: *Provided*,

That nothing herein contained shall be understood to prohibit the register or assistant-register of the court of chancery from conveying any of the records, books or papers in their respective offices to the office of the other of them, or to any other place, out of their respective offices, as the course of legal proceedings in any case may require.

- 7 IV. *And be it further enacted*, That the clerks of the court of chancery shall from time to time deposit all records, books and papers relative to suits not actually pending in the said court, in the office of the register or assistant-register, as the chancellor shall direct.
- 8 V. *And be it further enacted*, That all notices and copies of other proceedings in any cause or matter pending in the court of chancery, where the same shall be requisite by the course and practice of the said court, except copies of pleadings, depositions and copies of exhibits accompanying the same, shall be furnished by the solicitors respectively to the adverse solicitors, under such regulations as shall from time to time be established by the court of chancery respecting the same, and for such compensation as may be allowed by law for such copies.
- 9 VI. *And be it further enacted*, That the office of serjeant at arms of the court of chancery, shall be and hereby is abolished.
- 10 VII. *And be it further enacted*, That the sheriffs of the respective cities and counties of this state shall be the officers of the court of chancery, for the purposes of executing the process thereof when the same shall be directed to them respectively, and for the taking into custody and imprisoning any person who shall be liable to be taken into custody or imprisoned by process from, or by decree or order of the said court; and the said sheriffs respectively shall be amenable to the said court in the execution of such
- 11 process, decree or order; and the sheriffs of such of the cities and counties of this state where the court of chancery shall be held, shall be bound to give their attendance thereon in such manner as the court may require, and in default thereof shall be liable to such fine as the said court may impose,
- 12 VIII. *And be it further enacted*, That all process to be issued out of the court of chancery shall be under the seal thereof, and shall be made patent, and shall be in such form as the said court shall from time to time establish, expressive of the design or end for
- 13 which the same shall issue; and all such process, except subpoenas, shall be directed to the sheriff of the county where the same is to be executed, who shall be bound to execute the same according-
- 14 ly, for which they shall receive such fees as shall be allowed for similar services in the supreme court.
- 15 IX. *And be it further enacted*, That it shall be lawful for the court of chancery, to enforce obedience to or the performance of any of its decrees, by execution either against the body of the person who shall be bound to perform the same, or against the goods and chattels; and in default thereof, against the lands and tenements of the person bound to perform such decree; the forms of which executions shall be such as the court of chancery shall from time

to time direct or approve of, and shall have the same force and effect as executions against the person, or against the goods and chattels, or against the goods and chattels, lands and tenements of the person have in the courts of the common law, and shall be executed in like manner as executions of a similar kind issued out of the courts of common law.

X. *And be it further enacted*, That the court of chancery shall have power to establish rules for the proceedings to take a bill *pro confesso*, against the defendant in every case not otherwise provided for by law, and also for the proceedings so as to entitle either party to a decree or order of the court against the opposite party by default.

Circuit Court & Sittings.

C H A P. XXXI.

CONTENTS.

9. Attorney General, excused from attending Court of Oyer and Terminer in New-York.
2. District Attorney, to attend the said Court.
3. Judges, holding Circuit Court or Sittings in New-York, to receive additional compensation.
7. ——— Residing in New-York, entitled to chamber fees, &c.
3. Jurors, a new Pannel of, may be ordered by the Judge.
4. Notices of Trial, &c. how long to continue in force.
1. Sittings in N. York, may be appointed to be held in any vacation.
- May be held by one or more Judges.
- Its noticed for trial, a fee for each to be paid by the party giving notice.

ACT relative to the Circuit Courts and Sittings in the City and County of New-York.

Passed March 8th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the judges of the supreme court shall have power during any term of the said court, and as business may require, to appoint sittings to be held in and for the city and county of New-York, in the succeeding vacation, or any other vacation of the supreme court; and that such sittings may be held by any one or more of the judges successively, and be continued during any such vacation by adjournment from time to time, not exceeding fourteen days by any one adjournment; and that any judge holding such sittings, may at any time, and as often as may be necessary during the continuance thereof, order the sheriff or coroners of the said city and county, as the occasion may require, to summon a new pannel of jurors to attend such sittings, whose duty it shall be, on the usual time of summons, to attend ac-

E

cordingly, and thereupon discharge the former jurors attending the same ; and that all trials and proceedings had by such new jurors shall be entered in the same manner, and be as valid to all purposes as if the same were had by such former jurors : and all notices of trial given, and other proceedings prepared for the commencement of any such sittings, shall continue in force until the termination thereof, notwithstanding any such adjournment.

- II *And be it further enacted*, That the judge or judges who shall hold any circuit court or sittings in the said city, shall be entitled to receive as an additional compensation for his or their services, the sum of two dollars and fifty cents, in each suit noticed for trial at such courts, to be paid by the party giving such notice, at the time of giving the same, to the clerk of the said courts, and who shall pay the same to such judge or judges, and which shall be recovered by the party paying the same, as the other costs of such suit ; and the judge or judges of the said supreme court, who shall reside in the said city, shall be entitled to receive fees for chamber business in the supreme court, and for other services appertaining to their office, in the same manner as any other officer may now do for the like services.

- III. *And be it further enacted*, That it shall be the duty of the district attorney of the district comprehending the said city, to attend the courts of oyer and terminer and gaol delivery, to be held in and for the said city, and to manage and conduct all suits and prosecutions for the people of this state therein, in the same manner as in the other counties within his district ; and that it shall not be necessary for the attorney general to attend such courts, except when required so to do by the governor of this state, or one of the judges of the supreme court.

IV. *And be it further enacted*, That this act shall continue and be in force until the first day of May, one thousand eight hundred and four, and no longer.

Court of Probates, etc.

C H A P. LXXXIII.

C O N T E N T S .

1. Expence of removing certain Papers, how paid.
2. 14th Section of a former Act, extended to Intestates leaving property in the city of New-York.
6. Wills, persons in possession of, refusing to produce them when required, to be committed.
7. ——— Not written in English, extra allowance for recording.
3. Witnesses may be summoned from any part of the State.
4. ——— Penalty on, for non-attendance.
5. ——— Refusing to be sworn, may be committed.

An ACT supplementary to the Act, entitled "An Act relative to the Court of Probates, the Office of Surrogate, and the granting of Administrations."

Passed March 31st, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the account for the expence of afforting and removing of certain papers, books, minutes, records and documents from the office of the court of probates to the surrogate's office of the city and county of New-York, in conformity to the directions of the act concerning the court of probates, passed the 30th of March, 1799, shall be audited by the comptroller of the state, who shall draw his warrant on the treasurer for the sum thereupon allowed.

II. *And be it further enacted,* That the fourteenth section of the act, entitled "An act relative to the court of probates, the office of surrogate, and the granting of administrations," shall be and hereby is extended to all cases of persons not resident within this state, who may die intestate, leaving goods and chattels within the city and county of New-York, whether such intestate shall die within this state or not.

III. *And be it further enacted,* That it shall be lawful for the judge of the court of probates, and the respective surrogates of this state, on the request of any person interested, to cause any person from any part of the state, to be summoned to appear before such judge or surrogate, to be examined and to give testimony, and to bring with him deeds or writings respecting any matter cognizable before such judge or surrogate, and to issue process for these purposes; and of any person being subpoenaed, and having received, or having been tendered such compensation as is allowed to witnesses for their attendance by law, shall not thereupon appear or bring with him such deeds or writings, according to the tenor of said process, every person so making default, and not having a reasonable and lawful cause for the failure, shall forfeit to the party grieved one hundred dollars, to be recovered by an action of debt in any court of record, with costs, and shall also yield further recompense to the party aggrieved according to the loss and hindrance sustained; and if any person summoned to appear as aforesaid, shall refuse to be sworn or to answer, it shall be lawful for such judge or surrogate to commit him to the gaol of the county where the court of such judge or surrogate shall be holden, until he shall submit to be sworn and to answer.

IV. *And be it further enacted,* That it shall be lawful for such judge or surrogate, on the application of any person interested, to require any person having the custody or possession of any will, to produce the same, to the intent that such will may be duly proved, and on neglect or refusal so to do, to commit the person so neglecting or refusing to gaol until he shall produce and deliver such will to the said judge or surrogate.

V. *And be it further enacted,* That whenever any will shall be made in any other than the English language, and proved and

recorded by any surrogate of this state, such surrogate shall be entitled to twelve and an half cents for every one hundred and twenty-eight words of a translation of such will; in addition to what is allowed by the act, entitled "An act regulating the fees of the several officers and ministers of justice within this state."

Congress.

C H A P. LXXII.

CONTENTS.

1. Districts, for Election of Representatives, State divided into.
2. ——— Particularly described.
3. St. Lawrence, Votes taken at the next Election in this county, to be returned to the Clerk of Oneida.

An ACT to amend the Act for regulating the Election of Representatives for this State, in the House of Representatives of the Congress of the United States.

Passed March 30th, 1802.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That instead of the present districts, for the purpose of electing representatives in the house of representatives of the congress of the United States, this state shall be and is hereby divided into seventeen districts, which shall be known and numbered as follows :
 - 2 The counties of Suffolk and Queens, shall compose the first district :

The county of Kings, the county of Richmond, together with the first, second, third and fifth wards of the city of New-York, shall compose the second :

The fourth, sixth and seventh wards of said city, shall compose the third :

The counties of Westchester and Rockland, the fourth :

The county of Orange, the fifth :

The county of Dutchess, the sixth :

The counties of Ulster and Greene, the seventh :

The county of Columbia, the eighth :

The city and county of Albany, the ninth :

The county of Rensselaer, the tenth :

The counties of Saratoga, Clinton and Essex, the eleventh :

The county of Washington the twelfth :

The counties of Schoharie and Montgomery, the thirteenth :

The counties of Otsego and Delaware, the fourteenth :

The counties of Herkimer, Oneida and St. Lawrence the fifteenth :

The counties of Chenango, Onondaga and Tioga, the sixteenth: And,

The counties of Cayuga, Ontario and Steuben, shall compose the seventeenth district.

II. *And be it further enacted*, That it shall and may be lawful for the inspectors of election in the several towns in the county of St. Lawrence, to transmit the votes that may be taken in the said towns at the next election, to the clerk of the county of Oneida by some one person to be by them appointed for that purpose.

Legislature.

C H A P. LXXXI.

6. Assembly, Representation therein apportioned.
- 3, 5. Clerk of Senate, to give Notice of Elections.
7. Counties, number of Members of Assembly each is entitled to.
1. Districts, Senators to be chosen therein at the next Election.
2. Senators, chosen at the next Election, to form the First Class.
4. _____ Resignations of, may be accepted by the Senate.
8. Vacancy, in any County having but one Member, how filled.
- _____ Election to fill such Vacancy, to be held but one day.

ACT apportioning the Representation in the Legislature according to the Rule prescribed by the Constitution.

Passed March 31st, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the electors of senators in the southern, middle and western districts of this state, shall at the next general election therein, be entitled to elect and choose eight senators, to wit: One in the southern district, two in the middle district, and five in the western district; and that the said senators, so to be chosen, shall form the first class; and the clerk of the senate is hereby directed to give notice of the elections accordingly.

II. *And be it further enacted*, That whensoever any person elected a member of the senate of this state shall resign his seat therein, by giving written notice thereof to the president of the senate, such resignation may be accepted; and thereupon the clerk of the senate shall give notice, that at the next anniversary election thereafter a senator is to be chosen to fill the vacancy occasioned by such resignation.

III. *And be it further enacted*, That until another census shall be taken by order of the legislature, or other provision be made in the premises, the electors in the several counties in this state, shall be entitled to elect and choose at the next general election therein, and annually thereafter, the number of members of assembly following, to wit:

3 In the city and county of New-York, nine :

In the county of Richmond, one :

In the county of Suffolk, three :

In the county of Queens, three :

In the county of Kings, one :

In the county of Westchester, four :

In the county of Rockland, one :

In the county of Orange, four :

In the county of Ulster, four :

In the county of Dutchess, seven :

In the county of Columbia, four :

In the county of Delaware, two :

In the county of Greene, two :

In the county of Rensselaer, five :

In the city and county of Albany, six :

In the county of Washington, six :

In the county of Clinton, one :

In the county of Essex, one :

In the county of Saratoga, four :

In the county of Schoharie, two :

In the county of Montgomery, five :

In the county of Herkimer, three :

In the county of Onondaga, two :

In the county of Otsego, four :

In the county of Chenango, four :

In the county of Tioga, one :

In the county of Cayuga, three :

In the county of Ontario and Genesee, three :

In the county of Steuben, one :

And in the counties of Oneida and St. Lawrence, four.

8 IV. *And be it further enacted*, That in case of vacancy, by death or otherwise, in the office of member of assembly, in any county in this state, not entitled to more than one member, between any of the said general elections, and previous to the first day of November in any year, it shall be the duty of the person administering the government of this state, by proclamation, to give notice thereof, and therein to specify in what county the person is to be elected to fill such vacancy ; and to appoint a day, not less than twenty nor more than thirty days from the day of the publication of such proclamation, for holding an election in such county to fill such vacancy, and to cause a copy thereof to be delivered to the sheriff of such county, and such sheriff shall thereupon give notice in writing of such election, to one of the inspectors of elections in each town in said county, within ten days after receiving such proclamation ; and the said inspectors shall immediately give notice thereof to the other inspectors of such town, who shall thereupon convene together, and by writing under their hands, to be fixed up in at least three of the most public places in such town, give eight days notice of the time and place of holding such election within the same ; and such election shall be held and conducted for one day only, and the ballots thereof be canvassed and esti-

mated, certified, returned and calculated, and a certificate thereof given in the same manner, by the same persons respectively, and within the same time as in the case of a general election for members of assembly.

State Prison.

C H A P. XXXVII.

CONTENTS.

1. Agent, his duty to attend the Prison daily, view, superintend, &c.
2. ——— To superintend the manufacturing business, and account with the Inspectors.
3. ——— To render an account annually to the Comptroller.
8. Clerk, to be appointed—his duty and compensation.
10. Comptroller to examine and compare accounts and report to the Legislature.
4. Factor, Inspectors authorised to appoint, and his duty.
5. ——— Annually to render to the Inspectors a full and accurate report.
6. ——— His compensation—To give security to the Inspectors.
7. Inspectors, visiting, their duty with respect to materials & prices.
9. ——— To have the whole government of the Prison.
11. ——— A sum of money to be paid them by the State.

An ACT designating the Duty of the Agent and Factor of the State Prison, and for other Purposes.

Passed March 16th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the agent of the state prison, to attend daily at the said prison, to view and superintend all the business thereof, and to examine if the keepers have been watchful and vigilant; and to enquire generally into the state of the prison, and the health, conduct and safe keeping of the prisoners; and to employ them at useful work in such manner as will be most beneficial to the public, and suitable to their various capacities; to purchase their provision and articles for their clothing, and the provision for the keepers; and also to purchase all the raw materials to be manufactured; and to render to the visiting inspectors, for their examination, a weekly account thereof; and it shall also be the duty of the said agent, to superintend all manufacturing and mechanic business, that is carried on within the said prison, and to receive all the articles manufactured, and to render to the said visiting inspectors for their examination a weekly account thereof, specifying each article manufactured, and the whole amount of the value thereof; and the said agent shall annually on the second Tuesday of January in every

year, render to the comptroller on oath or affirmation, an inventory of all and each kind of goods and raw materials on hand, and an accurate account of all monies received and expended in purchasing raw materials for the necessary support of said prisoners, with sufficient vouchers for the same; and he shall also render a specific account of all articles manufactured or made in the year past, and the value of each, in such a manner that a correct and comprehensive view of the whole transactions may be taken, and the proper application of the raw materials may be seen by the articles manufactured therefrom, and the propriety of the sales of those articles may be shewn by the amount of the separate sales thereof.

- 4 II. *And be it further enacted*, That the inspectors of the state prison, shall be authorised to appoint a fit and proper person, to act as factor for the state prison, whose duty it shall be to receive weekly, and on Monday in every week, all the goods and articles that have been manufactured or made the preceding week; and he shall sign and deliver to the said agent, a receipt for the same, specifying the selling price affixed on each article and the amount of the whole, for which he shall be accountable; and he shall on every Monday, pay to the agent all the cash that he has received
- 5 on account of the state prison the preceding week; and it shall be his duty every year, on the first Tuesday of January, to render to the inspectors a full and accurate report, on oath or affirmation, of his transactions, shewing the whole amount of the different articles received and sold, and the total amount of the sales thereof, with an inventory of every article on hand, and the price thereof; an abstract of the whole shall be transmitted to the comptroller on or before the second Tuesday of January in every year;
- 6 and the said factor shall receive and have for compensation, not exceeding seven per cent. on all the cash paid to the agent, to be regulated by the inspectors; and the said inspectors are required to take bond of the said factor, with sufficient security for the faithful performance of his duty.

- 7 III. *And be it further enacted*, That the said visiting inspectors may at all times, view the raw materials that have been purchased, or any other thing that may be purchased for the use of the said prison, and examine the qualities, properties and price thereof, and correct any errors that may happen; and the said visiting inspectors, with the assistance of the agent, shall ascertain and direct the price for which each article shall be sold.

- 8 IV. *And be it further enacted*, That the said inspectors shall appoint a clerk to keep the books and accounts of the state prison, and to assist the agent; and the said clerk shall receive at and after the rate of four hundred dollars per annum, which, together with the salary of the said agent, shall be paid quarterly, as the
- 9 keeper and assistant keepers are; and the said inspectors shall have the whole government and direction of the state prison, and all the concerns thereof; and may remove from office, when they deem it necessary, the agent, factor, clerk, or any of the keepers, and fill such vacancies as may happen by death, resignation or such removal.

V. *And be it further enacted*, That it shall be the duty of the 10
comptroller, to examine and compare the accounts of the agent
and factor, and lay a statement thereof before the legislature
annually, on the third Tuesday of February, shewing how far the
accounts correspond, and the raw materials are balanced by the
articles manufactured from them, and the amount of sales of the
articles sold are balanced by the cash received, and the quantity
on hand.

VI. *And be it further enacted*, That the treasurer of this state 11
shall, on the warrant of the comptroller, pay to the inspectors of
the state prison, the sum or balance of twenty-one thousand nine
hundred and fifty-three dollars, eighteen cents and five mills, stat-
ed to be due to the said inspectors by the comptroller of this state
on the last settlement and auditing of their accounts by the said
comptroller, which warrant the said comptroller is hereby requir-
ed to issue.

C H A P. LXVIII.

CONTENTS.

1. Guard to the State Prison, Inspectors to supply with provisions.
2. ——— Expende thereof to be deducted from their pay.
- 7, 8. ——— Musicians belonging to, their compensation, &c.
3. ——— N. C. Officers and Privates to board and lodge in the barracks.
6. ——— Officer commanding, to make a weekly return to the Mayor.
10. ——— Persons belonging to, exempt from civil process.
9. Inspectors, their duty with respect to the Guard may be performed by any two of them.
4. Mayor of N. York, to inspect the Guard, and report to the Gov.
11. Plan for better guarding the Prison, Judges, &c. authorized to devise.
12. ——— To be reported to the Governor, who may cause the same to be carried into effect.
13. ——— May be amended with consent of the Governor.
5. Regulations for the government of the Guard, by whom made.

An ACT relative to the State Prison Guard, and for other Purposes.

Passed March 30th, 1802.

1. **B**E it enacted by the People of the State of New-York, represented
in Senate and Assembly, That the inspectors of the state 1
prison, or any two of them, shall and may from time to time, by
contract, cause the said guard to be supplied with provisions, and
such other necessaries as they the said inspectors, or any two of
them, may deem proper; the amount and expence whereof shall 2
be monthly deducted from the pay of the said guard; and that no 3
non-commissioned officer, drummer, fifer or private, belonging to

the said guard, shall board and lodge at any other place than the barrack, erected for such purpose.

- 4 II. *And be it further enacted*, That the mayor of the city of New-York, shall from time to time inspect the said guard, and report the state thereof, at least once in every three months, to the person administering the government of the state for the time being, and may in his discretion direct the discharge of any non-commissioned officer, musician or private, belonging to the said guard, and cause all vacancies therein to be filled by new engagements ;
- 5 and that the said mayor, together with any two of the inspectors of the state prison, shall from time to time, make and establish rules, regulations and orders, for the better government of the said guard, for the trial of all offences against discipline, and for the inflicting proper punishments for breaches thereof, not exceeding a fine of one month's pay, and sixty days imprisonment in the solitary cells of the said prison, for every offence.

- 6 III. *And be it further enacted*, That it shall be the duty of the officer commanding the said guard, to make a weekly return of the said guard, to the said mayor.

- IV. *And whereas*, The pay of the drummer and fifer belonging to the said guard hath not been fixed and ascertained, in and by the act, entitled " An act relative to the state prison," nor any provision made for the payment and compensation of such drummer
- 7 and fifer : Therefore, *Be it further enacted*, That the monthly pay of the said drummer and fifer, shall be twenty dollars each, which shall be in lieu of every compensation, except the articles to be furnished to them which shall be the same as are directed to be furnished to the non-commissioned officers and privates of the said guard, in and by the twenty-second section of the act, entitled " An act relative to the state prison."

- 8 V. *And be it further enacted*, That it shall be lawful for the comptroller in the auditing the accounts of the inspectors of the state prison, to allow the charge or charges therein made, for the monthly pay and articles furnished to the drummer and fifer of the said guard, for the term they have already been engaged and served, and shall hereafter engage and serve in the said guard.

- 9 VI. *And be it further enacted*, That all and singular the duties and services required of the inspectors of the state prison, by them to be done and performed, as far forth as relates to the state prison guard, shall and may be done and performed by any two of them.

- 10 VII. *And be it further enacted*, That all and every of the persons now belonging, or that any time hereafter shall belong to the state prison guard, shall, for and during the time of their continuance in service in such guard, be and remain free and exempt from all arrest by civil process.

- 11 VIII. *And be it further enacted*, That the judges of the supreme court, or such of them as may be present at the city of New-York at any of the terms of the supreme court held in the said city, the mayor and recorder of the city of New-York, the attorney general or district attorney general, with the inspectors of the state prison, or a majority of them, shall and may, and they are hereby

authorised and empowered, from time to time, to devise and recommend such mode or plan for watching and guarding the state prison more satisfactorily and less expensive than the present mode of guarding of the same, as to them or a majority of them, shall seem meet and proper ; which said plan shall be reported and proposed to the person administering the government of this state, for the time being, and when approved of by him he shall authorise and direct the same to be carried into effect; *And further*, That the said judges, mayor, recorder, attorney general and inspectors aforesaid, or a majority of them, may, from time to time, after such plan as last above mentioned shall and may have been directed to be carried into effect, have full power and authority, by and with the approbation and consent of the person administering the government of the state for the time being, to alter, change and amend the same, and at all times to make and pass all necessary rules and regulations for the establishing of good order and government in the premises.

Solitary Prison.

C H A P. LXXIII.

CONTENTS.

- 1, 2. Prison for solitary Confinement, or Cells in the Bridewell at New-York, to be built.
3. Keepers of the Prison to be appointed by the Com. Council.
4. Prison, when finished, notice thereof to be published.
- 5, 6. Certain offenders to be adjudged to confinement in said prison.
7. ——— To be kept in absolute solitude and on spare diet.

An ACT for erecting in the City of New-York, a Prison for solitary Confinement.

Passed March 30th, 1802.

WHEREAS the imprisonment of persons convicted of petit larceny, and other inferior offences, in the city prison of the city of New-York, has not been attended with the beneficial consequences of reforming the convicts, and of preventing crimes ; and as the confinement of such offenders promiscuously in the state prison, would be productive of public inconvenience : Therefore,

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor, aldermen and commonalty of the city of New-York, in common council convened, are hereby authorised to cause to be erected, or prepare within the said city a strong building to be called the prison for solitary confinement, or to build cells in the bridewell or some other proper building, and prepare the same for that purpose, and which shall be appropriated exclusively for the reception of convicts who

may be sentenced to punishment therein, as herein after directed ; that the said prison shall be erected upon ground belonging to the said corporation, and at such place, upon such plan and construction, and of such dimensions as to the said common council shall appear most advisable, and shall be supported at the expense of the said city.

3 II. *And be it further enacted,* That the said common council, shall from time to time appoint a principal keeper of the said prison, so to be erected, and also as many assistant keepers as they shall judge necessary, who shall hold their offices respectively during the pleasure of the said common council, and the same shall be under the charge and government of the said common council.

4 III. *And be it further enacted,* That as soon as the said prison or
5 cells, shall be ready for the reception of convicts, the said common council shall so declare and publish : and every person who shall thereafter, within the said city, be convicted of any offence specified in the fifth section of the act, entitled " An act declaring the crimes punishable with death or with imprisonment in the state prison ;" and it shall be deemed proper by the court, before whom any such person shall be convicted, that instead of, or in addition to a fine, such person ought to be imprisoned, it shall then be lawful for such court, in their discretion, to adjudge the person so convicted to imprisonment in the said prison or cells for solitary confinement, for any term of time not exceeding ninety days.

6 IV. *And be it further enacted,* That it shall be lawful for the court authorised in and for the said city, to try and punish certain offences by virtue of the ninth section of the act, entitled " An act declaring the powers and duties of justices of the peace," instead of adjudging offenders, convicted of offences therein mentioned, to imprisonment in the house of employment or bridge-well, to adjudge in their discretion every such offender to imprisonment in the said prison or cells for solitary confinement, for any term of time not exceeding sixty days ; and every person
7 adjudged to imprisonment in the said prison or cells, by virtue of this act, shall as far as circumstances will admit, be kept in absolute solitude, and on spare diet.

Mawighnunk Patent.

C H A P. IV.

CONTENTS.

1. Clerk of Columbia to record certain Receipts and Releases.
2. ——— His Fees for such recording.
3. Benefits of this act, to whom extended.

An ACT authorising the Recording of Receipts for Sums of Money, charged on certain Lands in the Patent of Mawighnunk, in the County of Columbia.

Passed February 10th, 1802.

WHEREAS by virtue of an act of the legislature, entitled "An act for settling the disputes and controversies between the persons claiming to be proprietors of the patent called Mawighnunk, and the possessors of the lands in the town of Canaan," a majority of the commissioners under this said act, did award certain sums to be due to the claimants of the said patent by each of the respective possessors thereof mentioned in the said act, as appears of record in the secretary's office of this state; *And whereas*, By virtue of the said act, the lands of the said possessors, so found chargeable, are respectively bound and holden subject to the payment of the monies so awarded, with power to the said proprietors to sell such lands, in cases of non-payment, in the manner and after the notice usual in cases of mortgages with clause for sale; *And whereas*, In and by the said act, there is no provision for the recording the evidences of such payments: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the clerk of the county of Columbia, and he is hereby required, on the production to him for recording, any receipt or release, given and executed by Peter Silvester and Peter Van Schaack, esquires, of the town of Kinderhook, in the county of Columbia, or the survivor of them, for any monies charged on the said lands or any part thereof, the same being first acknowledged or approved, pursuant to the directions of the act, entitled "An act concerning the proof of deeds and conveyances," to record any such receipt or release, together with the acknowledgment thereon, in the book of mortgages by him kept; which record or a transcript thereof, shall be full evidence in all courts of law or equity in this state of such payment; and for which service the said clerk shall be entitled to twenty cents, for recording every such receipt and acknowledgment or proof.

II. *And be it further enacted*, That the benefits and provisions of this act, shall be and hereby are extended to the several persons mentioned and designated in an act supplementary to the act herein before recited, passed the third day of April last.

State Loan.

C H A P. XXXVIII.

CONTENTS.

1. Monies loaned by the State, time of Payment extended to 1809.
2. Interest to be annually paid.
3. Loan officers may receive the whole or any part of the principal, and reloan it.

An ACT to extend the Payment of Money loaned by Virtue of the Act, entitled "An Act for loaning Monies belonging to this State, passed March 14th, 1792."

Passed March 16th, 1802.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time for payment of the monies, loaned to sundry persons by virtue of the act, entitled "An act for loaning monies belonging to this state," passed March 14th, 1792, be and is hereby extended to the first Tuesday of May, one thousand eight hundred and nine; *Provided nevertheless*, That
- 2 the interest of said money be annually paid; *And provided also*,
- 3 That it shall be lawful for the several loan officers, appointed under the said act, and they are hereby directed to receive the whole of such part of the money loaned to any person, at their annual meeting on the first Tuesday of May, as is allowed in and by the said act, and to reloan the same agreeable to the directions of the said act, payable on or before the said first Tuesday of May, one thousand eight hundred and nine.

Society Library.

C H A P. XXIX.

CONTENTS.

1. Amount of the annual payments to be made on the shares.
2. Forfeitures for non-payment.

An ACT to enable the Trustees of the New-York Society Library to increase the yearly Sums payable on the Shares of the said Library.

Passed March 8th, 1802.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the New-York society library, in the city of New-York, for the time being, on the first Tuesday of May next, and yearly on the first Tuesday of May in every year thereafter, to demand and receive from the members of the said society, a sum not

exceeding two dollars and fifty cents for each and every right or share in the said library ; and in case any of the said yearly sums of two dollars and fifty cents, shall at any time thereafter be in arrear or unpaid for thirty days next after any of the days on which the same ought to have been paid, that then the person or persons from whom the same shall be due, shall be subject to the like forfeiture of their rights and privileges in the said library, as is mentioned and provided in the charter of the said society. 2

Academies.

C H A P. XXX.

CONTENTS.

1. Incorporated academies, Presidents thereof may be chosen.
2. Presidents, their duty.

An ACT relative to Academies.

Passed March 8th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of any incorporated academy within this state, when legally convened, to choose by a majority of votes, one of their body, a president for one year, or until another shall be chosen in his room ; which president, so chosen, shall do and perform all the duties required to be done by the senior trustee of such academy, in pursuance of an act, entitled " An act to institute an university within this state, and for other purposes therein mentioned ;" any thing in the said act to the contrary in any wise notwithstanding. 1 2

Baptist Church.

C H A P. XXVII.

CONTENTS.

1. Stile of the Baptist Church meeting in Rose-street, N. York.
2. in Fayette-street.
3. Entitled to all the privileges of other religious societies.

An ACT to alter the Name and Stile of two Religious Societies, known by the Name and Stile of the Second Baptist Church, in the City of New-York.

Passed March 8th, 1802.

WHEREAS it is represented by the trustees of the two religious societies, known by the name and stile of the se-

cond baptist church in the city of New-York, that many inconveniences arise in the transaction of their affairs, relative to the temporalities of their respective churches, from the name and stile of both corporations being the same : For remedy whereof,

- 1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the society or corporation, known by the name of the second baptist church in the city of New-York, whose usual place of meeting is in Rose-street in said city, shall for ever hereafter be known by the name and stile of "The Bethel Baptist Church in New-York."
- 2 II. *And be it further enacted,* That the society or corporation, known by the name of the second baptist church in the city of New-York, whose usual place of meeting is in Fayette-street in said city, shall for ever hereafter be known by the name and stile of "The Baptist Church of Christ meeting in Fayette-street."
- 3 III. *And be it further enacted,* That the said societies or corporations, shall by the respective names and stiles aforesaid, be entitled to all the privileges, and subject to all the penalties, which other religious societies or corporations are subject and entitled to, by the act, entitled "An act to provide for the incorporation of religious societies."

Dutch Church.

C H A P. XLIII.

C O N T E N T S.

1. Dutch Church in Albany, amount of annual revenue increased
2. Triennially to exhibit an account and inventory thereof.

An ACT for the Relief of the Minister, Elders and Deacons of the Reformed Protestant Dutch Church, in the City of Albany.

Passed March 19th, 1802.

WHEREAS the minister, elders and deacons of the Reformed Protestant Dutch church, in the city of Albany, have by their petition represented to the legislature, that they are possessed of certain real property within the said city, which it will be highly advantageous to themselves and beneficial to the said city to have improved and rendered productive ; but that they are apprehensive their yearly income will thereby be encreased beyond the sum to which it is at present limited by law : Therefore,

- 1 *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the aforesaid minister, elders and deacons to have, hold and enjoy lands, tenements, goods and chattels of the yearly value of seven thousand dollars, any thing contained in the letters patent by which they were incorporated, or in any law of this state, to the contrary notwithstanding ; *Provided always,* That the said minis-
- 2

ter, elders and deacons shall once in every three years after the passing of this act, exhibit such account and inventory of their annual revenue, and in such manner as is prescribed by the ninth section of the act, entitled "An act to provide for the incorporation of religious societies."

Bloomfield Church.

C H A P. LVII.

CONTENTS.

1. First Congregational Society in Bloomfield incorporated.
2. Estate purchased since a certain day, Trustees to hold.
3. Triennial returns of property to be made.

An ACT for incorporating a Religious Society in the Town of Bloomfield, and County of Ontario.

Passed March 30th, 1802.

WHEREAS the name or stile of the first congregational society in the town of Bloomfield, in the county of Ontario, was omitted in the certificate of the incorporation of the said society, by reason whereof the same incorporation has become invalid, and the temporalities of said society endangered thereby: For remedy whereof,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said society be, and it hereby is incorporated and established by the name and stile of "The First Congregational Society in Bloomfield;" and that all the estate purchased by the trustees of the said society, since the said eighth day of September, one thousand seven hundred and ninety-five, and not by them again alienated, be and the same hereby is vested and confirmed to them and their successors in office, in as full and ample a manner as if the said society had been incorporated pursuant to the directions of the said act; Provided however, That the said society shall hereafter make triennial returns, and conform in all things to the requisitions of the "Act to provide for the incorporation of religious societies," passed March 27th, 1801.

Aliens.

C H A P. XLIX.

CONTENTS.

1. Alien inhabitants, purchases of lands made by them, valid.
2. Provided they do not exceed 1000 acres.
3. Aliens, on selling their lands, capable of taking mortgages.
4. Titles of lands, derived from Aliens, not to be impeached.
5. Provided they are not for military or bounty lands.
6. Recording of certain Conveyances, time for extended.

An ACT to enable Aliens to purchase and hold Real Estates, within this State, under certain Restrictions therein mentioned.

Passed March 26th, 1802.

WHEREAS many good and industrious persons, being aliens, have emigrated to this state, with an intention to settle and reside therein, and have expended the greater part of their capital in purchasing and improving real property : and whereas such emigrations have tended to promote as well an improvement in the agriculture as the manufactures of the state ; and it is deemed just and right not only to protect the property which they have acquired, but also to encourage others to settle and reside within this state, by enabling them to purchase and hold real property. Therefore,

- 1 *I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all purchases of lands made or to be made by any alien or aliens who have come to this state and become inhabitants thereof, shall be deemed valid to vest the estate to them granted, and it shall and may be lawful to and for such alien or aliens, to have and to hold the same to his, her or their heirs or assigns for ever, and to dispose of the same, any plea
- 2 of alienism to the contrary thereof notwithstanding ; *Provided,* That any purchase hereafter to be made by any such alien, does not exceed one thousand acres.

- 3 *II. And be it further enacted,* That in case any alien or aliens shall sell and dispose of any real estate, which by law they are entitled to hold and dispose of, or which they may hereafter hold in virtue of this act, such alien or aliens, his, her or their heirs or assigns, shall and may, and are hereby declared capable of taking a mortgage, in his, her or their own name or names, as a collateral security for the purchase money due thereon, or any part thereof.

- 4 *III. And be it further enacted,* That the title of any citizen or citizens of this state, to any land or lands within this state, heretofore conveyed to such citizen or citizens, and now in the actual possession of such citizen or citizens, shall not be questioned or impeached, by reason of the alienism of any person or persons, from or through whom such title may have been derived ; *Provided,*

That nothing in the said last clause contained, shall extend to the military or bounty lands so called, in the counties of Onondaga and Cayuga. 5

VI. *And be it further enacted*, That all and every conveyance or conveyances executed in pursuance of the act, entitled "An act to enable aliens to purchase and hold real estates within this state under certain restrictions therein mentioned," and which have not been recorded agreeably to the directions of the said act, shall and may be recorded within twelve months after the passing of this act, and the lands thereby conveyed, shall not in such case enure, or be deemed to enure to the use of the people of this state. 6

Attainted Persons.

C H A P. LXXXII.

CONTENTS.

1. Estates of attainted persons, 25 per cent allowed for discovering.
3. ——— Persons in possession of, permitted to purchase.
2. Lands unoccupied, 1-4th part allowed the person discovering.
4. ——— Value how determined—quantity limited—payments how made.

An ACT to facilitate the Discovery and Sale of the Estates of attainted Persons.

Passed March 31st, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That in case the heir or heirs of any person who has been attainted or convicted of adhering to the enemies of this state during the late war with Great-Britain, or any other person, shall discover and disclose to the surveyor-general of the state, any estate of such attainted or convicted person, not heretofore disposed of by the state, and shall at the same time deliver to the surveyor-general, the title deeds and maps necessary to establish the right of the people of this state to such property, such heir or heirs or any other person, shall be entitled to receive on the sale of any such estate, twenty-five per cent of the money for which the same estate shall be sold; and in case the lands of any such attainted or convicted person, shall have remained vacant and unoccupied, such heir or heirs or any other person, shall, if he or they shall elect the same, receive one fourth part of such land, to be divided and assured to him or them by the said surveyor-general, instead of such per centage on the sale as aforesaid; *Provided nevertheless*, That this act shall not extend to any lands where suits are already commenced by the attorney-general, to ascertain the title thereof. 1 2

II. *And be it further enacted*, That in case any citizen of this state shall be in the possession and improvement of any land for- 3

4 stated to the people of this state, and discovered as aforesaid, or that has been or may hereafter be discovered, it shall be lawful for the said surveyor-general to cause such land to be appraised at the expence of the occupant, exclusive of the improvement made thereon subsequent to such forfeitures, and to convey the same to the occupant thereof, not exceeding two hundred and fifty acres, to any one occupant, on such occupant's paying into the treasury of this state one fifth part of such appraised value within nine months after such appraisement, and the residue within eight years thereafter, with an interest of six per cent to be paid annually thereon, to be secured to the state by a mortgage upon the premises, as near as may be in the form of the mortgages of lands sold in the late Indian reservations; and it shall be the duty of the surveyor-general, in case he shall deem the same necessary, to cause such lands to be surveyed, before the same shall be sold as aforesaid.

Pot and Pearl-Ashes.

C H A P. XIX.

CONTENTS.

2. Ashes, inspected at certain places, may be vended at N. York, or exported, without re-inspection.
3. ——— How distinguished in the invoice or weigh-note.
5. ——— Penalty for mixing any improper substances with.
4. 8th Section of amended Act, repealed.
 1. Inspectors in the cities of N. York and Albany, number limited.
 6. Manufacturers, to brand their names on each cask.
 7. ——— Penalty on them, for neglect thereof.

An ACT to amend the Act, entitled "An Act concerning the Inspection of Pot and Pearl-Ashes, passed April 7th, 1801."

Passed March 3d, 1802.

1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall from time to time appoint such and so many inspectors of pot and pearl-ashes, in the cities of New-York and Albany, not less than two nor more than six in number, in each of the said cities, as may be necessary for a speedy inspection of the said articles, as the same may be offered for that purpose in said cities, any thing in the act, entitled "An act concerning the inspection of pot and pearl-ashes," to the contrary notwithstanding.

2 **I**I. And be it further enacted, That pot or pearl-ashes, inspected in the city of Albany, or other city or place of trade upon the Hudson-river, where inspectors have been or may be appointed,

may be vended or disposed of in the city of New-York, and from thence shipped for exportation out of this state, without any further or other inspection in the said city of New-York.

III. *And be it further enacted*, That it shall not be lawful for any inspector of pot or pearl-ashes to distinguish the quality of the same in the invoice or weigh-note thereof, by any other denomination, under the description of damage or otherwise than is directed by the second section of the said recited act. 3

IV. *And be it further enacted*, That the eighth section of the said recited act, shall be, and is hereby repealed. 4

V. *And be it further enacted*, That if any person shall intermix with pot or pearl-ashes, any stone, lime, salt or other improper substance, whereby the quality of such pot or pearl-ashes shall be prejudiced or reduced, and be thereof duly convicted, every such person shall forfeit the sum of twenty dollars for every such offence, to be recovered in an action of debt, in any court having cognizance thereof, the one moiety to the use of the people of this state, and the other to the benefit of such person as shall prosecute therefor. 5

VI. *And be it further enacted*, That every person who shall manufacture any pot or pearl-ashes, from and after the first day of June next, shall with a distinguishable brand or marking-iron, impress upon each cask of pot or pearl-ashes of his own manufacture, the initial letters of his christian name, and his surname at full length, before the removal of such cask from the place of manufacture, under the penalty of five dollars for every cask so removed without being branded or marked as aforesaid, to be recovered and applied as is in the foregoing clause provided. 6 7

Beef and Pork.

C H A P. CXVII.

CONTENTS.

2. Beef and Pork, from another state, having been there inspected, may be exported from this state without re-inspection.
1. Fifteenth section of a former act amended and extended.
3. Heading and Staves for meat barrels, need not be of the same kind of timber.

An ACT to amend an Act for the Repacking and Inspection of Beef and Pork.

Passed April 5th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the provisions contained in the fifteenth section of the act hereby amended, shall extend to the putting up of one hundred barrels of beef in barrels or half barrels, and to the putting up of the like quantity of pork in the like manner; and it shall not be necessary for any person, in or 1

der to avail himself of the provisions of the said section, to put up both the said quantities ; which said beef or pork so put up, may be sold and exported by any person without any further inspection.

2 II. *And be it further enacted*, That any beef or pork that may hereafter be brought into this state, from any neighboring state, that shall have been inspected and branded in such state, conformably to the laws thereof, may be exported from this state without re-inspection ; *Provided*, Such beef or pork shall be accompanied by a certificate from the inspector, by whom the same was so inspected and branded, specifying the marks, numbers and quality.

3 III. *And be it further enacted*, That so much of the act, entitled " An act for the repacking and inspection of beef and pork," passed the 4th day of April, 1801, as requires that all barrels and half barrels, in which any beef and pork shall be repacked, to be made of staves clear of sap, and as requires that staves and heading shall be of the same kind of timber, be and the same is hereby repealed.

Heading.

C H A P. XC.

C O N T E N T S.

Heading made of good White Ash Timber, may be exported.

An ACT to amend " An Act to regulate the Culling of Staves and Heading," passed 24th March, 1801.

Passed April 1st, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, heading made of good white ash timber, and of the size, dimensions and descriptions, except as to sap, of the white oak heading mentioned in the first section of the act hereby amended, shall and may be exported out of this state to any foreign country, the same being first culled agreeable to the directions of the said act.

Land-Office.

C H A P. XCI.

C O N T E N T S.

Powers of the Commissioners, in respect to defective Titles in Lands granted by the State, extended.

An ACT to amend the Act, entitled " An Act concerning the Commissioners of the Land-Office and the Settlement of Lands."

Passed April 1st, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the fifteenth section of the act,

entitled "An act concerning the commissioners of the land-office and the settlement of lands," shall and hereby is declared to extend to authorise the extinguishment in the manner and under the provision in the said section contained, of such claims as may exist against the state, in consequence of a defect of title in the state to any lands granted under the authority of this state; *Provided however*, That the sums of money to be paid in satisfaction and extinguishment of any such claim, shall in no case exceed the principal monies paid for the purchase of any tract of land, and an interest thereon of six per cent per annum.

Paupers.

C H A P. LII.

CONTENTS.

1. Children born of slaves, abandoned by those entitled to their service, sum to be paid for their maintenance, limited.
3. ——— When arrived at a certain age, payments for their maintenance to be discontinued.
2. Contracts, heretofore made by overseers of the poor, not affected by this act.

An ACT amending the Act, entitled "An Act concerning Slaves and Servants."

Passed March 26th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That wherever any child born of a slave since the fourth day of July, in the year one thousand seven hundred and ninety-nine, has been or hereafter shall be abandoned by the person entitled to the service of such child, in the manner directed in and by the tenth section of the act hereby amended, and thereby become a pauper of any city or town, the overseers of the poor of such city or town, shall, instead of the sum mentioned in the said tenth section of the said act, be entitled from and after the passing of this act, to receive from the treasurer of this state, not exceeding the sum of two dollars per month, to be paid on the evidence and in the manner directed in and by the said tenth section of the said act; *Provided*, That no contract already made by the overseers of the poor shall be affected by this act.

II. *And be it further enacted*, That no payments shall be made to the overseers of any city or town for the maintenance of any such pauper, after he or she shall arrive at the age of four years, unless it shall be made to appear to the comptroller, that such pauper is either so decrepid or infirm that it will be impracticable to bind out such pauper.

Horse-Racing.

C H A P. XLIV.

CONTENTS.

5. Bets on any race, forfeited by the persons making them.
8. Contracts, on account of any race, or game of chance, void.
6. Forfeitures, how recovered and applied.
4. Horses kept for racing, penalty on owners.
1. Horse-Racing for money, &c. declared a public nuisance.
2. ———Authors, abettors, stakeholders thereof, &c. how punished.
9. Money paid on any bet, &c. how recovered.
3. Officers of justice strictly enjoined to execute this law.
7. Persons raising a purse, plate, &c. what to forfeit.
10. Racing, whether for wager or not, within half a mile of any court, a misdemeanor.
11. Raffling, penalty on any person concerned in.

An ACT to prevent Horse-Racing, and for other Purposes therein mentioned.

Passed March 19th, 1802.

I *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all racing and running, pacing or trotting of horses, mares or geldings, for any bet or stakes, in money, goods or chattels, or other valuable thing, shall be and hereby are declared to be common and public nuisances, and offences against this state; and the authors, betters, flakers, stakeholders, parties, contrivers and abettors thereof, shall be proceeded against, and punished by fine or imprisonment at the discretion of any court having cognizance thereof; and all public officers concerned in the administration of justice, are hereby strictly enjoined to cause this act to be faithfully executed.

II. *And be it further enacted,* That from and after the first day of August next, the owner or owners of every horse, mare or gelding, that shall be used, employed or improved in horse-racing, within this state by his or their privity or permission, whereon any stakes are held, or any bets or wagers laid or dependent, either directly or indirectly, shall forfeit for every race so run, the value of every such horse, mare or gelding employed as aforesaid; and that every person or persons concerned in laying any bet or bets, or wagers on such race or races, shall forfeit the amount of the wager, bet or stake by any person or persons so laid, made or flaked.

III. *And be it further enacted,* That any and every such forfeiture, shall and may be recovered by action of debt, bill, plaint or information, before any court having cognizance thereof, and shall be applied, the one half to the use of any person or persons who

shall prosecute the same to effect, and the other half to the overseers of the poor for the use of the city or town where such race or races shall be run, or such wager, bet or stake shall be laid, made or deposited.

IV. *And be it further enacted*, That if any person or persons shall contribute or collect, or solicit any other to contribute or collect any money, goods or chattels to make up a purse, plate, or other thing or things, to be run for by any horse, mare or gelding, at any place in this state, such person or persons so offending, shall forfeit the sum of twenty-five dollars, for each and every offence, to be recovered and applied as aforesaid. 7

V. *And be it further enacted*, That all and every contract hereafter to be made and entered into, for or on account of any sum or sums of money, or other thing, bet or flaked, or depending on any such race or races as aforesaid, or concerning the same, or for or on account of any gaming by lot or chance of any kind, or under any description whatever, shall be deemed and adjudged void in law; and it shall be lawful for any person who may have paid any money or other thing upon the issue or event of any such race or game, to recover the same in like manner as is provided in the second and third sections of the Act, entitled "An Act to prevent excessive and deceitful gaming," passed the 21st of March, 1801. 8 9

VI. *And be it further enacted*, That all racing or running of horses, mares or geldings, during the sitting of any court, and within one half mile thereof, whether the same be for any bet or wager or not, shall be deemed and adjudged a misdemeanor, and the parties concerned therein shall be punished accordingly. 10

VII. *And be it further enacted*, That every person who shall raffle for any sum of money, goods or chattels, shall for every such offence be liable to pay the sum of two dollars, to be recovered before any court having cognizance thereof, with costs of suit, and every person who shall set up any money, goods or chattels to be raffled for, shall be liable to pay the sum of ten dollars, to the use of the poor of the town in which any such offence shall be committed; and it shall be the duty of the overseers of the poor of such town, and they are hereby authorized to prosecute in their own name therefor. 11

Highways.

C H A P. LXXV.

An ACT to explain the Sixteenth Section of the Act, entitled "An Act to regulate Highways."

Passed March 30th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the twelve freeholders to be
H

summoned in pursuance of the sixteenth section of the act, entitled "An act to regulate highways," may in their certificate, under oath, omit the word "absolutely," and the same certificate shall be as valid as though the said word had been therein contained.

Military Stores.

C H A P. LXXXV.

CONTENTS.

1. Duty of the Commissary in respect to the collection of the public arms, cannon, &c.
2. ——— In respect to their safe keeping, repairing, &c.
3. ——— To report a state of the public stores to the Gov.
4. ——— With consent of the Gov. to sell damaged powder, &c.
5. ——— To account for and pay the proceeds of all such sales.
6. ——— To keep in good repair the arsenals, &c.
10. His salary increased to 500 dollars per annum.
9. Expences incurred by the Commissary, how paid.
7. Governor to prescribe rules for direction of the Commissary.
8. ——— To report to the Legislature annually, a state of the premises confided to the Commissary.

An ACT designating the Duties of the Commissary of Military Stores, and relative to the Arsenals and Public Stores.

Passed April 1st, 1802:

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the commissary of military stores, and he is hereby required and directed, with all convenient dispatch, to collect and deposit in the arsenals, stores and proper repositories, all the arms, cannon, accoutrements, powder, balls, warlike stores, and implements of every description, the property of this state; and at all times hereafter carefully to attend to the due preservation, safe keeping, cleaning and repairing of the same, in such manner as he shall from time to time be required and directed to do, by the person administering the government of this state, who is hereby authorized from time to time, in his discretion, to order and direct whatever relates to or shall or may be necessary in and about the premises.
3. **II.** And be it further enacted, That it shall be the duty of the said commissary of military stores, and he is hereby required to report to the person administering the government of this state, at least once in every six months, the true and actual state, disposition and situation, of all and singular the warlike stores, property, matters and things, intrusted to his care and superintendence, and

whatever in any wise appertains to or respects his department as commissary of military stores.

III. *And be it further enacted,* That it shall be the duty of the said commissary of military stores, under the direction and with the approbation of the person administering the government of this state, from time to time, as occasion may require, to dispose of to the best advantage, all damaged powder, and all arms, ammunition, accoutrements, tools, implements and warlike stores of every kind whatsoever, that shall or may be deemed to be unsuitable for the use of the state, and from time to time to render a just and true account, of all such sales, with all convenient speed, to the person administering the government of this state, and pay the proceeds of such sales into the treasury of this state.

IV. *And be it further enacted,* That it shall be the duty of the commissary of military stores, and he is hereby required, without delay, to cause all and every of the arsenals, stores and repositories of warlike implements, to be put, kept and continued in perfect, complete and ample repair, under the direction and controul of the person administering the government of this state.

V. *And be it further enacted,* That it shall and may be lawful for the person administering the government of this state, and he is hereby required from time to time, at his discretion, to order, form and establish all necessary rules, regulations and orders, in any wise relative or appertaining to the conduct and duties of the commissary of military stores; and that it shall be also his duty to report annually to the legislature, a true and particular state and situation of all and singular the premises confided to or in any wise connected with the said commissary.

VI. *And be it further enacted,* That a just and true account of all and singular the expences necessarily incurred in and about the above premises, shall by the said commissary of military stores be fairly and particularly stated and kept, and once at least in every six months be delivered to the person administering the government of this state, who shall thereupon direct the comptroller of this state, to examine and audit the same; and after such examination and auditing, the said comptroller shall, and he is hereby required, to draw his warrant on the treasurer, who is hereby required to pay the same, for such sum or sums as shall be audited and certified to be due as aforesaid.

VII. *And be it further enacted,* That the annual salary of the said commissary of military stores shall be increased to five hundred dollars, to be paid quarter yearly.

Militia.

C H A P. CXX.

CONTENTS.

1. Adjutant General, his duty in distributing the Militia Law.
2. ——— His Salary.
18. ——— Official Letters, his account for, to be audited and paid.
13. Adjutants & Capts. their duty in respect to fines and penalties.
17. Artillery, another regiment may be organized in New-York.
14. Beats of Companies, by whom to be arranged and fixed.
3. Brigade Inspector, penalty on, for neglect of duty.
- ib. ——— If absent, Brigadier to select a proper officer to perform his duty.
10. ——— To make return of officers who neglect to provide themselves with uniforms.
15. ——— Compensation, if fines are insufficient for, how made.
6. Coasting Trade, persons employed in, exempted from Militia duty.
16. Fines, how imposed and recovered.
7. Non-attendance, fines for may be encreased.
8. N. C. Officers, penalty for not warning Company to parade.
4. Officers for not returning Delinquents or Quakers, may be fined or cashiered.
9. ——— For not providing themselves with uniforms, liable to be fined.
11. ——— Hats and cockades, fashion of.
12. Resignations, by whom to be approved.
5. Spectators, abusing any person on parade, to be put under guard.

An ACT to amend the Act, entitled "An Act to organize the Militia of this State."

Passed April 5th, 1802.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That in addition to the duties now required by law of the adjutant-general of this state, it shall be the duty of the said adjutant-general, to furnish at the expence of the state, the commandants of regiments and companies, through the brigadier-generals, the militia law of this state, and for that purpose the secretary of this state is hereby required to have printed, under his direction, as many copies as may be necessary of the said law, and deliver them to the said adjutant-general, as soon as may be, after the passing of this act; and that the said adjutant-general, may in his discretion attend as heretofore, the review and inspection of any regiment or corps, any thing in this act contained to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted*, That the said adjutant-general 2
for his said services, shall have and receive an annual salary of
eight hundred dollars, which shall be paid to him by the treasur-
er of this state, on the warrant of the comptroller thereof, in
quarter-yearly payments, which warrant the comptroller is here-
by directed to issue.

III. *And be it further enacted*, That in case any brigade in- 3
specter, shall wilfully neglect or omit to perform the duties requir-
ed of him by law, he shall for every such offence forfeit and pay
twenty-five dollars, to be recovered in like manner as the other
penalties are by this act recoverable : And that in case the bri-
gade inspector is, from any unavoidable circumstance, prevent-
ed from doing his duty, the brigadier-general may select a pro-
per officer from his brigade to do that duty, who shall be entitled
to receive such compensation therefor, as the brigadier shall deem
adequate, to be deducted from the allowance made by law to such
inspector.

IV. *And be it further enacted*, That all officers who shall or 4
may refuse or neglect to make just returns, as by law directed,
of all delinquents, or shall neglect or refuse to make a return of
the people called Quakers within their respective beats, agree-
ably to the thirty-ninth section of the act hereby amended, shall
be cashiered or fined not less than twenty dollars nor more than
fifty dollars.

V. *And be it further enacted*, That if any spectator or bystander, 5
shall abuse, molest or strike any one when on parade or under
arms, the person so offending shall be immediately put under
guard, kept at the discretion of the commandant of the regi-
ment, company or corps, until the setting of the sun of the
same day on which such offence shall be committed.

VI. *And be it further enacted*, That persons actually engaged 6
and employed in the coasting trade for six months in the year, shall
be exempted from military service, during such employ, in like
manner as mariners are by law excepted and exempted.

VII. *And be it further enacted*, That the fine for delinquency 7
for non-attendance on parade may be increased so as not to ex-
ceed five dollars : And further, that any non-commissioned offi- 8
cer, who shall neglect or refuse to warn the company to parade
in the beat to which he belongs, when thereunto required by his
captain or commanding officer, shall pay a fine not exceeding
fifteen dollars.

VIII. *And be it further enacted*, That it shall be the duty of all 9
officers to furnish themselves with their uniforms and side arms,
as by law directed, within six months after the passing of this act,
or if hereafter appointed, within six months after the receipt of
their commission, and that in default thereof, every such officer
shall forfeit and pay a fine of twenty-five dollars ; and it shall be 10
the duty of the brigade inspectors, and they are hereby required
to make particular returns of such delinquents to the commander
in chief, stating the name, grade and rank of every such delin-
quent.

- 11 IX. *And be it further enacted*, That cocked hats, with the cockade of the army of the United States, shall be part of the uniform of all the officers of the militia of this state, except where otherwise directed.
- 12 X. *And be it further enacted*, That all resignations hereafter to be made, shall be approved of by the commandants of regiments and the brigadier-general of the regiment or brigade to which the officer so resigning belongs : And that it shall be the duty of such commandants and brigadiers to receive or approve of no resignation whatever, but upon good and sufficient and reasonable causes and excuses.
- 13 XI. *And be it further enacted*, That it shall be the duty of the adjutants, in the respective regiments to which they severally belong, to prepare an abstract or lists of the several fines and penalties by law created, as far forth as respects the militia of this state, and read the same at the head of the regiment at every regimental parade ; and it shall be the duty of the several commandants of companies and corps in like manner to do the same at each company parade.
- 14 XII. *And be it further enacted*, That it shall be the duty of the respective commandants of regiments, with the advice and approbation of the brigadier-general, and they are hereby authorized, from time to time, to arrange, form, direct and fix the beats of companies, and to divide and annex companies as occasion shall or may require, if, in their opinion, such junction shall be practicable and proper.
- 15 XIII. *And be it further enacted*, That in case fines are not collected sufficient for the payment of the sum by law allowed to the brigade inspectors, it shall be the duty of the brigadier-general, after having ascertained the deficiency in the premises, to certify such deficiency to the comptroller of this state, who shall thereupon draw his warrant in favour of such inspector on the treasurer for such sum, which sum the said treasurer is hereby required to pay.
- 16 XIV. *And be it further enacted*, That all fines created by this act shall be imposed, prosecuted for, and recovered in like manner as fines are directed to be imposed, prosecuted for and recovered in and by the act hereby amended.
- 17 XV. *And be it further enacted*, That it shall and may be lawful for the commander in chief, whenever he shall deem it expedient, to organize a second regiment of artillery in the city and county of New-York, agreeably the sixth section of the act hereby amended.
- 18 XVI. *And be it further enacted*, That the comptroller of this state shall audit the account of the adjutant-general, for the postage of official letters received by him quarter yearly, and the amount thereof shall be paid by the treasurer of this state, on the warrant of the comptroller.

Taxes.

C H A P. CXVIII.

CONTENTS.

5. Assessors' duty with respect to lands of non-residents.
- 3, 4. Comptroller, his duty.
7. County Treasurers, who have paid more money than was due from them, excess how refunded.
 1. Lands taxed in gross, owners to pay in proportion to the quantity by them held.
 2. ——— Residue of the tax to remain a lien on.
 3. ——— More than once assessed, remedy provided.
6. Taxes not paid before a certain day, persons owing, to pay a certain sum to defray expences of advertising.

An ACT to amend the Act, entitled "An Act for the Assessment and Collection of Taxes."

Passed April 5th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That if a sum in gross has been or shall be assessed upon any lot or tract of land, owned by more than one person, either in severalty, joint-tenancy, or tenancy in common, each owner may pay any part of the tax proportionate to the number of acres owned by him or to the value thereof, when that can be ascertained by the comptroller, to the treasurer of this state, on a certificate to be given by the comptroller, and the remainder of the tax shall be a lien upon the residue of the land only : And whenever it shall appear satisfactorily to the comptroller, that the same land has been or shall be assessed more than once by the assessors, or by the assessors of different towns, he shall remit the excess ; or if the whole tax be paid, shall at his discretion either credit such excess to the person paying the same, on his taxes in any subsequent years, or draw his warrant on the treasurer for the payment thereof ; and the comptroller shall transmit an account of such excess to the supervisors of the county, who shall cause the same to be raised in the town, the assessors of which have committed the error.

II. *And be it further enacted,* That the assessors shall hereafter, according to the best of their information and knowledge, set down in their assessment-rolls where the lands shall belong to non-residents, the patents in which the lands lie, the numbers of the lots, the quantity of acres and the value per acre.

III. *An be it further enacted,* That when a tax on real estate in any year shall not be paid before the first Tuesday of July, the person liable therefor shall pay the sum of twenty-five cents, to the treasurer of this state, towards defraying the expence of publishing the arrears of taxes ; and if such sum be not paid, it shall be a lien on the land, and be collected in the same manner with the arrears of taxes.

- 7 IV. *And be it further enacted*, That if any county treasurer has paid or shall pay a larger sum of money into the treasury of this state, than upon the settlement of his accounts has or shall appear to be due from him, the comptroller may draw his warrant on the treasurer of this state for the excess, who is hereby directed to pay the same.

Orange, etc.

C H A P. XCIV.

C O N T E N T S.

1. Court of Sessions of Orange, May term revived.
4. Loan-Office accounts, time of meeting of Judges and Supervisors of Rockland and Orange to settle, altered.
5. Loan-Officers of Ulster, their books and accounts by whom and when to be examined.
2. Recognizances taken prior to May next, how returned.
3. Town of Cheesecocks, name altered to Southfield.

An ACT to revive the May Term of the Court of General Sessions of the Peace in the County of Orange, and to alter the Name of the Town of Cheesecocks in the said County, and for other Purposes.

Passed April 2d, 1802.

WHEREAS by mistake the May term of the court of general sessions of the peace for the county of Orange, was left out of the revised laws: Therefore,

- 1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, the said May term of the said court of general sessions of the peace for the county aforesaid, shall be and hereby is revived, and shall be holden as formerly on the last Tuesday of May, at the court house in Goshen in the said county, and shall possess the same powers and jurisdiction in every respect as the other courts
- 2 of general sessions of the peace in the said county; and that all recognizances which shall have been taken, or hereafter shall be taken before the first day of May next, and which are made returnable at the academy in the village of Newburgh in the said county of Orange, on the first Tuesday of September next, shall be and hereby are made returnable at the court house in Goshen in the said county, on the last Tuesday of May next, any thing in the said recognizance to the contrary notwithstanding.
- 3 II. *And be it further enacted*, That the town of Cheesecocks in the county of Orange shall hereafter be known and distinguished by the name of Southfield.
- 4 III. *And be it further enacted*, That the supervisors of the counties of Orange and Rockland, together with one of the judges of

the court of common pleas of each of the said counties respectively, or a majority of them, shall hereafter meet at the house of Stephen Sloat in the Clove, on the second Tuesday of October in each and every year, instead of the first Tuesday, as now by law directed, for the purpose of inspecting and examining the mortgages, minutes and accounts of the loan-officers appointed in the county of Orange, under the act for loaning monies belonging to this state.

IV. *And be it further enacted*, That the supervisors of the several towns of Deerpark, Walkill, Montgomery, Newburgh and New-Windsor, in the county of Orange, or any two of them, shall and they are hereby authorized and directed to meet at the court house in Kingston, and together with one of the judges of the court of common pleas of the county of Ulster, and the supervisors of the several towns in the said county, or any two of them, on the second Tuesday in October in every year hereafter, to examine the mortgages, books and accounts of the loan-officers of the said county of Ulster, appointed by virtue of the act for loaning monies belonging to this state; and also to examine the books and accounts of the late treasurer of the said county of Ulster, so far as respects the aforesaid five towns; and the said treasurer is hereby directed to pay the amount of all such balances as may be found to be due to the said several towns, or to any individual residing in either of them.

New Stockbridge.

C. H. A. P. XXV.

CONTENTS.

1. Lands appropriated for the use of a Missionary.
2. ——— Rev. John Sargeant and his successors to improve.
3. ——— May be leased out when there is no Missionary.

An ACT for the Support of the Gospel in New-Stockbridge.

Passed March 3d, 1802.

WHEREAS the tribe of Indians, residing in New-Stockbridge, have represented to the legislature the propriety of appropriating one hundred acres of their land, to be leased or otherwise occupied for the support of a minister of the gospel, who shall reside among them and instruct them in the Christian religion: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That after the peace-makers of the town of New-Stockbridge shall designate by certain marked trees or monuments, one hundred acres of the common lands of

the said Indians, at the northeast corner of the said town, including the improvements thereon; and shall cause to be entered in their town records the boundaries of the said one hundred acres, the same shall be and hereby is appropriated for the use and benefit of such minister of the gospel, as shall from time to time be a missionary or preacher of the gospel to the said tribe of Indians.

2 II. *And be it further enacted*, That the reverend John Sargeant, their present minister, be and he is hereby authorized, after the recording of the boundaries of the said land as aforesaid, to enter on and improve or lease the said one hundred acres of land for his own use and benefit, for so long a term as he shall remain a missionary among the said Indians, and in like manner it shall be lawful for the successors of the said John Sargeant in the ministry, to use, improve or lease the said land in manner as aforesaid.

3 III. *And be it further enacted*, That whenever there shall be no missionary or settled minister to preach to the said tribe, the peace-makers may improve or lease the said lands until there shall be a missionary or minister of the gospel settled, or officiating in the ministry in the said town, and the monies arising from such improvement, during the time there shall be no missionary or settled minister in New-Stockbridge, shall be disposed of in such manner as by a majority of votes in town meeting in New-Stockbridge shall be directed.

St. Regis.

C H A P. L.

CONTENTS.

1. Trustees, appointed to lease Ferry and Lands adjoining.
2. ——— To apply the rents to maintaining a School, and for other purposes.
3. Town Meetings to be annually held—Clerk chosen—his duty.
4. ——— Rules and Regulations to be made at, and Trustees chosen.
5. Bell, to be procured for their Church.
6. Colours, two sets to be procured and presented said Indians.

An ACT for the Benefit of the St. Regis Indians.

Passed March 26th, 1802.

- 1 I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That William Gray, Lewis Cook and Lorin Turbell belonging to the tribe of the St. Regis Indians, be and they are hereby appointed trustees for the said tribe, for the purpose of leasing the ferry over St. Regis-river, with one hundred acres of land adjoining, and also one mile square of land on

Grass-river, within their reservation in this state, for such term of time as they shall judge proper, not exceeding ten years : And it shall and may be lawful for the said trustees to apply the rents and profits of the said ferry and lands, for the support of a school for the instruction of the children of the said tribe, (of which the said trustees shall have the superintendence,) and for such other purposes as the said trustees shall judge most conducive to the interest of the said tribe ; and the powers hereby vested in the said trustees may be exercised by them or any two of them.

II. *And be it further enacted*, That it shall and may be lawful for the said St. Regis Indians, on the first Tuesday in May next, and on the first Tuesday in May in every year thereafter, to hold a town meeting on their said reservation, within this state, and by a majority of male Indians, above twenty-one years of age, to choose a clerk, who shall keep order in such meeting, and enter in a book to be provided by him for that purpose the proceedings of the said meetings.

III. *And be it further enacted*, That it shall and may be lawful for the said tribe, at any such meeting as aforesaid, to make such rules, orders and regulations, respecting the improvement of any other of their lands in the said reservation, as they shall judge necessary, and to choose trustees for carrying the same into execution, if they shall judge such trustees to be necessary.

IV. *And be it further enacted*, That it shall and may be lawful for the said William Gray, Lewis Cook and Lorin Turbell, to procure a bell for the church belonging to the said tribe, to be paid for out of their annuity.

V. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state, to cause to be sent to the said tribe, at the place where their annuity is paid, two suits of silk colours, one with the arms of the United States, and the other with the arms of this state, as a gratuity, and draw a warrant on the treasurer for the expences of the same.

Tuscarora and Seneca.

C H A P. LVIII.

CONTENTS.

1. A Building suitable for a place of Public Worship and a School, to be erected in each Village.
4. ——— To be completed within two years.
2. Commissioners to carry this act into effect, appointed.
3. ——— A sum of money to be paid them from the Treasury.

An ACT providing for the Erecting certain Buildings for the Tuscarora and Seneca Tribes of Indians.

Passed March 30th, 1802.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sum of fifteen hundred

dollars, be and the same is hereby appropriated for the purpose of erecting in each of the villages of the Tuscarora and Seneca tribes of Indians, one suitable house for public and religious worship, and for the keeping of school, to be denominated church and school house, for the use of the said Indians, upon such spots within each of the said villages, as the commissioners herein after appointed, shall designate for that purpose.

- 2 II. *And be it further enacted*, That Elbert Willett, treasurer of department No. 4, of the northern missionary society, Christian Miller, secretary of the same, and Dirck Ten Broeck, Israel Chapin and Oliver Phelps, be and they are hereby appointed commissioners, for the purpose of carrying this act into effect; and the comptroller of this state is hereby authorized and directed to draw his warrant on the treasurer thereof, in favour of the said commissioners, or their order, for the aforesaid sum of fifteen hundred dollars; and the said commissioners or any three of them, shall within two years from the passing of this act, cause to be completed, for the use of the said Indians, the two buildings aforesaid, the expence whereof shall not exceed the sum appropriated as aforesaid, and shall within six months thereafter account with the comptroller for the expenditure of the same.

Brothertown.

C H A P. LXXVIII.

CONTENTS.

2. Keepers of the peace, to be the Guardians of Infants.
4. ——— Compensation to them, how allowed and paid.
 1. Lands taken for Roads, how appraised and paid for.
3. Personal Property, of which any Indian may die possessed, how distributed.
5. Witnesses, may be summoned by the keepers of the peace.
6. ——— Penalty on them for non-attendance.

An ACT relative to the Brothertown Indians.

Passed March 30th, 1802.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever any road shall be laid out, through or over any improved land in the village of Brothertown, in pursuance of the thirty-first section of an act, entitled "An act relative to Indians," passed April 4th, 1801, it shall be the duty of the "keepers of the peace" of the said Indians, laying out such road, to appraise the damages sustained by the proprietor of any such land thereby, which shall be paid such proprietor out of the annuity of the said Indians; and any person conceiving himself aggrieved by any such appraisement, may appeal therefrom to one of the superintendents and the attorney of the said Indians, whose determination shall be final in the premises.

II. *And be it further enacted,* That instead of the overseers of the poor of the said Indians, the "keepers of the peace" shall be the guardians of the persons and property of all infants in the said town, who shall not have any persons there residing competent to take care of them. 2

III. *And be it further enacted,* That the personal property of which any of the said Indians shall die possessed of or entitled to, shall be distributed by the "keepers of the peace" in like manner and proportions as is provided by the laws of this state for the distribution of the personal estate of the citizens thereof; subject nevertheless, to an appeal to such superintendent and attorney aforesaid, in case any person shall conceive himself aggrieved by such distribution. 3

IV. *And be it further enacted,* That the "keepers of the peace" of the said Indians shall be entitled to receive, for their services to be performed by virtue of the said recited act and this act, such moderate compensation as such superintendent and attorney shall deem reasonable, and allow therefor, to be paid annually out of the annuity of the said Indians. 4

V. *And be it further enacted,* That it shall be lawful for any one of the said "keepers of the peace" to issue a subpoena, the same being drawn in as brief a form as may be, and subscribed by such "keeper of the peace," to summon any person, whose attendance may be required as a witness in any cause instituted before the said "keepers of the peace;" and if any person, so summoned, shall neglect to appear and give testimony in such cause, or render a sufficient excuse for his non-attendance to the satisfaction of such "keepers of the peace," every such person shall forfeit to the party on whose behalf he shall be summoned, the sum of five dollars, to be recovered in an action of debt, in the name of such party, before the said "keepers of the peace." 5 6

Utica Aqueduct.

C H A P. XXXV.

CONTENTS.

1. Assessments, how levied and collected.
4. Bye Laws and Ordinances, Stockholders may establish.
3. Clerk, Collector, Treasurer, &c. to be appointed.
7. ——— Their duty.
2. Meeting of Stockholders, how convened.
5. Penalties may be imposed.
1. Stile and corporate Rights of the Company.
8. Transfers of Stock, rules to be prescribed for making.

An ACT for Incorporating the Utica Aqueduct Company, in the County of Oneida.

Passed March 16th, 1802.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Benjamin Walker, Silas 2

Clark and Robert Bordwell, and such other persons as may become associated with them for supplying the village of Utica with wholesome water by means of aqueducts, shall be and are hereby made and created a corporation and body politic, by the name of
1 "The Utica Aqueduct Company;" and by that name shall be capable in law, to sue and be sued, plead and be impleaded, in any court of record, and to hold and enjoy such real and personal estate as may be necessary for the attainment of the object aforesaid, not exceeding five thousand dollars in the whole, exclusive of the profits or income of the said aqueducts.

2 II. *And be it further enacted*, That it shall and may be lawful for the persons above named or either of them, or of their associates, by notice to be published in the newspaper printed in the said village, or served personally on the members of the company, or left at their usual places of abode, at least three days previously to
3 any meeting, to convene the company at some convenient place in the said village; and such of the members, being at least a majority of the whole number, as shall so convene, shall be authorized by a vote of the majority present, to elect a treasurer, clerk and collector of the company, and to appoint such other
4 agents and superintendents as may be necessary to carry into effect the objects of this incorporation; to make and ordain such
5 bye laws, rules and regulations as they may deem necessary to attain and preserve the objects aforesaid; to impose penalties, not exceeding ten dollars for one offence, for a breach of such bye laws, rules and regulations; and to prevent injuries to the conduits or aqueducts of the company, or drawing water therefrom
6 without due authority from the company; and to assess and collect, from the members of the company, their just and equal shares of the expences that may be incurred in and about the concerns of the company; and to institute such suits as may be necessary to recover all such monies as may become due to the company, for water distributed from the said conduits.

7 III. *And be it further enacted*, That the said treasurer shall receive and pay out all monies collected by virtue of this act, subject to the orders of the company; and the said clerk shall, in a book to be provided for that purpose, enter in writing, all the proceedings of the company when convened as aforesaid, and shall make out and deliver to the collector a tax-list or assessment-roll, by him duly certified, of all such taxes or sums of money as may be collectable of the members of the company, by virtue of this act; which collector shall proceed to collect the monies contained in such tax-list, in like manner as the collector of any town is by law authorized to levy and collect the taxes committed to him for that purpose, and shall pay over the monies by him collected to the said treasurer.

8 IV. *And be it further enacted*, That all transfers of shares in the said company shall be made and entered in writing in a book for that purpose, under such regulations as may be prescribed by the company.

Albany Water-Works.

C H A P. VII.

CONTENTS.

18. Appraisers of Damages, Justice of the Peace to appoint.
19. ——— To report their appraisement to the Justice.
- 16, 21. Conduits may be laid thro any part of Albany & Watervliet.
23. ——— Penalty for wilfully injuring.
12. Clerks, Superintendent, &c. to be appointed.
22. Contracts with Benjamin Prescott, not to be contravened.
17. Damages, to be appraised, in case of disagreement.
20. ——— Trustees to pay the value of, as appraised.
13. Dividends, to be made and declared.
5. Election of Trustees, anniversary day of.
6. ——— Mode of conducting, prescribed.
7. ——— To be by ballot—personally or by proxy.
9. New Election, for what cause to be held.
3. Instalments to be paid on the requisition of the Trustees.
15. Penalties and Forfeitures, how imposed and recovered.
10. President to be chosen—If absent his place how supplied.
1. Stile and corporate Rights of the Company.
2. Stock, to consist of 400 shares, of 100 dollars each.
14. Transfers, Directors to prescribe how they shall be made.
4. Trustees, five to manage the concerns of the Company.
11. ——— Vacancy in board of, how filled.
12. ——— Their powers and authorities pointed out.
8. Votes of the Stockholders proportioned.

An ACT to Incorporate the Proprietors of the Albany Water-Works.

Passed 17th February, 1802.

WHEREAS certain persons have associated for supplying the city of Albany and its neighbourhood with water, and have by their petition prayed to be incorporated : Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Stephen Lush, Philip S. Van Rensselaer, John Tayler, and their present associates, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Trustees and Company of the Albany Water Works," and by that name shall and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever ; have a common seal, and make, change or alter the same at pleasure ; purchase and take by conveyance from the said Stephen Lush, and the other trustees herein after named, who are now also trustees of the said associates, and hold and convey all the real estate acquired by them, by conveyance to and for the use of themselves and their associates, and to take hold and convey any other estate real or personal ; *Provided,* Such real estate shall be necessary to attain the object of this incorporation ; that the stock of the said corpora-

ration shall be deemed personal property, and shall consist of four hundred shares of one hundred dollars each; that each of the present stockholders of the said association shall be entitled to two shares of the said stock created by this act for every share they now hold respectively; that the sums paid on each such share now held, shall be divided equally between the two shares so substituted for the one share now held by the present stockholders; and that the remainder of the said sum of one hundred dollars constituting a share of stock created by this act, shall be paid by the persons respectively holding such shares, in such proportions, and at such periods of time as the said trustees shall direct and appoint, upon pain of forfeiture of their shares, and all previous payments thereon to the said trustees, for the use of the company; that the management of the concerns of the said company, shall be entrusted to five trustees being stockholders and inhabitants of the city of Albany, which trustees shall hold their offices for one year from the first Tuesday of June in every year; that an election shall be held on the Tuesday preceding every such first Tuesday of June in every year, at such place in the city of Albany, and at such hour as the said trustees shall from time to time appoint, by notification to be published in one of the public newspapers printed in the said city, at least one day before such election day; that the election shall be held by such person, being a stockholder, as the stockholders present, immediately before the opening of such election and after the hour so appointed, shall by plurality of votes appoint; and such person shall after he shall have then and there openly counted and estimated the votes, forthwith make return in writing under his hand, of the result of such election to the clerk of the trustees; that all elections shall be by ballot, by the stockholders personally or by proxy, each stockholder voting in the following proportions, to wit: One vote for every share not exceeding four; five votes for six shares; six votes for eight shares; and one vote for every five shares above ten; but no person, co-partnership or body politic shall be entitled to more than forty votes; and the five persons having the greatest number of votes shall be trustees; that if any two or more persons have an equal number of votes, so as that five trustees shall not be elected, the stockholders shall on the succeeding day, at the same place and at the same hour, in like manner elect, out of the persons so having an equal number of votes, so many as shall complete the number of five trustees; that the trustees shall on the second Tuesday of June in every year elect one of their number president; that in case of the absence of the president from any meeting, the trustees present may by plurality of votes, appoint one of their number president for the meeting; and that in case of vacancy in the office of any of the said trustees by death, resignation or removal from the said city, others shall be elected by the stockholders in the manner aforesaid, to fill such vacancy; that Stephen Lush shall be the first president, and Stephen Lush, Jeremiah Van Rensselaer, John Lansing, junior, Philip S. Van Rensselaer and John Tayler, the first trustees of the said company, to remain in office until the first Tuesday of June next.

II. And be it further enacted, That the trustees shall be authorized 12
 in their discretion to appoint a clerk, a superintendent, and such
 other officers, agents and servants as they shall from time to time
 deem necessary for carrying into effect the powers vested in the
 said company ; to declare the dividends on the stock of the said 13
 company ; to establish rules and regulations by ordinances and
 bye laws, for and concerning the conduct and government of such
 officers, agents and servants ; and for determining the compensa-
 tion to which they shall be entitled ; and for and concerning the 14
 manner of making transfers of the said stock ; and the conduct
 and government of all such persons as shall use the water from
 their works, so far as respects the preservation of the water fur-
 nished by the said company, and the use thereof, and to restrain
 the waste thereof ; and by such bye laws and ordinances to im- 15
 pose penalties and forfeitures for a neglect or refusal to comply
 therewith, so as that such penalty and forfeiture in any one case,
 shall not exceed five dollars ; which penalties or forfeitures shall be
 recoverable in the name of the clerk or superintendent before
 any justice of the peace of the city or county of Albany, with
 costs, in an action of debt ; And that for the purpose of effectually 16
 supplying the said city, and the inhabitants in the neighbor-
 hood thereof in the town of Watervliet with water, it shall and
 may be lawful to and for the said trustees and company, to lay
 and conduct any number of conduits necessary for, and calcula-
 ted to supply such water, through or over any lands in the city
 of Albany or town of Watervliet ; and in case of disagreement 17
 with the owner or owners of any lands or tenements, as to the
 compensation to be made for the injury committed by such opera-
 tions, or if the owner or owners thereof be out of the state,
 feme covert, under age or insane, that then, and in every such 18
 case, it shall be lawful for any justice of the peace of the city or
 county of Albany, upon the application of the said trustees, to
 appoint three indifferent persons, being freeholders, to appraise
 such damages, and they or any two of them, shall, with all con-
 venient speed, make such appraisement, and report the same to 19
 the justice who shall have made such appointment, in writing,
 subscribed by them, which report the said justice shall forthwith
 cause to be filed in the office of the clerk of the said county, with
 a certificate to be subscribed by him of his having made such ap-
 pointment : That the said trustees shall thereupon pay to the 20
 owner or owners of such lands or tenements, or person or per-
 sons legally authorized to receive the same, whenever he, she or
 they shall demand it, the amount of such damages, and shall
 forthwith after such appraisement shall have been completed, pay
 to such justice all the costs, charges and expences, attending the
 making of the said appraisement, and perfecting such report,
 which payments shall be deemed a full compensation for such in-
 jury : And that it shall and may be lawful to and for the said trust- 21
 tees and company, to conduct and lay their conduits below the
 surface of any street or public highway, in the said city or town
 of Watervliet, putting such street or highway in as good con-

- 22 dition as the same was before such conduits were laid. *Provided always*, That nothing in this act contained, shall be construed to impair, alter or contravene any contract made by Benjamin Prescott, with the mayor, aldermen and commonalty of the city of Albany, or with Stephen Van Rensselaer, esquire, in force at the time of passing this act.
- 23 III. *And be it further enacted*, That if any person or persons shall wilfully stop, impair, break or deface any conduit, reservoir or other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she or they shall forfeit and pay to the trustees and company aforesaid, treble the damages thereby sustained, to be recovered by the said trustees in an action of trespass, in any court having cognizance thereof, with costs.

Catskill Aqueduct.

C H A P. LVI.

CONTENTS.

9. Appraisers, how appointed.
10. Clerk, Collector and Treasurer, their duty.
7. Dams and other necessary Works, may be erected.
8. Damages, how ascertained.
6. Lands, Company may enter upon to lay their Conduits, &c.
2. Meeting of Stockholders, how convened.
- 4, 5. Penalties to a certain amount, may be imposed.
6. Powers and Privileges granted to the Company.
1. Stile and corporate Rights of the Company.
3. Stockholders may elect their Officers and establish Bye Laws.
11. Transfers of Stock, Rules for, to be prescribed.

An ACT for incorporating an Aqueduct Association in the Village of Catskill, in the County of Greene.

Passed March 26th, 1802.

WHEREAS James Bogardus, together with sundry other citizens, have associated for the purpose of supplying the village of Catskill with pure and wholesome water, for the use of such inhabitants thereof and others, as may be inclined to take the same.

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That James Bogardus, John Bogardus, Peter Bogardus, Thomas Thomson, John V. D. S. Scott, and Garrit Abeel, and such other persons as may become interested in the association or company, formed for supplying the village of Catskill in the county of Greene with water, by means of conduits or aqueducts, shall be, and hereby are created a body politic and corporate, in fact and in name, by the name of the "Aqueduct Association in the village of Catskill," and by that name shall be

capable in law to sue and be sued, plead and be impleaded in any court of record, but shall not be capable of holding any real estate, excepting such as may be necessary for such conduits or aqueducts, in any other place than within the said village, or any real or personal estate exceeding the annual value in the whole of three thousand dollars exclusive of the profits or income of such conduits or aqueducts.

II. *And be it further enacted*, That it shall and may be lawful 2
for any three of the said persons, so associated, or to be associated, 3
by a notice to be given in writing at two of the most public places
in the said village, or in the public paper printed in the said vil-
lage, five days at least previous to any meeting, to convene the said
company or association at the most convenient and public place in
the said village; and such of the members of the said association, 3
being at least a majority of the whole number, as shall so convene,
shall and are hereby authorized, by a vote of a majority present, to
elect and appoint a treasurer, clerk and collector of such association,
and such other agents as may be necessary to carry into effect the
objects of the association; to make and ordain all such bye laws,
rules and regulations relative to the said conduits or aqueducts
as they may deem proper and necessary, for the superintendence,
regulations and management of the same, and of such as may be
added thereto, and for the alteration, preservation and reparation
thereof, or for the equal assessment and collection, amongst the
proprietors of the same aqueducts, in respect to their respective
rights or shares, of all costs and expences arising in the execution
of all such bye laws, rules and regulations aforesaid; and to im- 4
pose penalties for the violation of the said bye laws and regula-
tions; and further to institute such suits in the name of such com-
pany or association as may be necessary to recover damages that
may be done to the said aqueducts, or for any penalty imposed as
aforesaid, with costs of suit; *Provided*, That no penalty to be im- 5
posed by virtue of any such bye laws or regulations as aforesaid,
shall be contrary to the laws of this state, or exceed twenty-five
dollars for any one offence.

III. *And be it further enacted*, That it shall be lawful for the 6
said company, and any person or persons employed by them, or
acting under their authority, to enter into and upon, and freely
to make use of any land which they shall deem necessary for the
purpose of conducting a plentiful supply of pure and wholesome
water to and through the said village of Catkill; and to erect 7
any dams or works across or upon any stream or streams of water,
or any other place or places where they shall judge proper for
the raising such stream or streams of water, or turning the course
thereof, or of making use of such streams or places for con-
structing or working of any necessary engines; and to construct,
dig, or cause to be dug, any canal or trenches whatsoever, for
the conducting of such springs, streams or any other quantity
of water from any source or sources that they may see fit; and
to raise and construct such dikes, mounds and reservoirs as they
may judge proper for securing and conveying such supply of
water as aforesaid to and through the said village; and to fur-

- vey and lay out all such streams as they may think proper, in order to ascertain the best mode of furnishing such supply ; and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the said lands, as they may see fit, to or towards the said village, and in any and every part of the
- 8 said village ; and to agree with any owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her or them for such lands, tenements, or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she or they may sustain, in using any such lands, or the conducting, digging, laying, raising or making any
- 9 such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds as aforesaid ; but in case of disagreement, to be settled and determined by any three discreet reputable freeholders of the town of Catskill, to be chosen and agreed upon by the parties ; and in cases of refusal or neglect by either party to nominate and appoint them, then to be nominated and appointed by any judge of the court of common pleas for the county of Greene not interested in the premises, at the request of either party, and upon their determining the same, the said company shall pay to the said owners respectively, the sum reported, under their hands and seals, in full compensation for the same.
- 10 IV. *And be it further enacted,* That the treasurer shall receive and pay out all monies collected by virtue of this act, agreeable to the orders and directions of the association ; and the said clerk shall enter in writing all the proceedings of the same association or company, when convened as aforesaid under this act ; and the said collector shall levy and collect all such taxes and sums of money so as aforesaid to be voted in pursuance of this act, agreeable to such tax-lists or assessment-rolls as shall be made out and delivered him by the said clerk, the same being first by him certified and subscribed, and shall pay the same monies over to the treasurer of the said association ; and the said collector shall have the like powers, and proceed in the like manner in the said collection as is by law prescribed to the collector of any town in the collection of the contingent charges of the county.
- 11 V. *And be it further enacted,* That all transfers of shares in the said association or company shall be made and entered in a book to be by them provided for that purpose, under such regulations as may be prescribed by the said association.

Toll-Bridges.

C H A P. XLII.

CONTENTS.

- 20, 21. Accounts, how kept—and Dividends, how made.
- 17, 18. Bridge, how built—Penalty for forcibly passing, &c.
- 2. Company, Stile and corporate Rights of.
- 22. Certain Accounts to be lodged in the County Clerk's office.
- 23. Clerk of the County and Comptroller, their duty.
- 14, 24, 25. Corporation, when to be dissolved.
- 3. Directors, five, to manage the concerns of the Company.
- 6. ——— Vacancy in Board of, how filled.
- 11. ——— To have the disposition of the Funds.
- 13. ——— Powers vested in them.
- 12. ——— Statement of their Proceedings, annually to lay before the Stockholders,
- 4, 5. Election, anniversary day of—to be by Ballot.
- 7. First Directors and Treasurer named.
- 15. Gate to be erected at the Bridge.
- 24. Interest, Rate of, established.
- 1. Persons associated for erecting a Toll-Bridge.
- 8. President, Directors to appoint at their first meeting.
- 9, 10. Shares, number limited—Votes apportioned.
- 16. Toll, Rates of, established.
- 26. ——— Persons going to or from any Funeral, not to pay.
- 19. Toll-Gatherer, Penalty on him, for breach of duty.

An ACT to authorise the Building a Toll-Bridge over Murderer's Creek, in Orange County.

Passed March 16th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Jonas Williams, Leonard D. Nicoll, Jacob Powell, Jonathan Cooley and Joseph Morrell, and such other persons as shall associate with them for the purpose of building a bridge over the creek commonly known by the name of Murderer's creek, in the town of New-Windsor, in the county of Orange, in the most convenient place nearly opposite the dwelling house of John D. Nicoll, in said town, shall be and hereby are made a corporation in fact and in deed, by the name of The directors and company of the Murderer's creek bridge company, and by that name, they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of suits, actions and causes whatsoever, and that they and their successors, shall be in law capable of purchasing, holding and conveying any estate real or personal, for the public use of the said corporation; *Provided*, That the whole estate of the said corporation shall not exceed in value

one thousand dollars; *And provided further*, That the said corporation shall in no wise build or attempt to build the said bridge until they shall have agreed with and obtained permission from the owners of the land on each side of the said creek contiguous to the said bridge, if any private owner or owners there be.

- 3 II. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed, directed and conducted by five directors, who shall be stockholders, and shall, together
4 with the treasurer, be annually chosen and elected on the first Monday in May, in each and every year, at such place as the directors for the time being, or any three of them shall appoint, of which notice shall be given in one of the newspapers printed in the said county of Orange, at least ten days before the day of
5 meeting; that all elections for treasurer and directors shall be by ballot, and the person who shall at such election have the greatest number of votes given as treasurer, shall be the treasurer, and in like manner, such persons as shall have the greatest number of votes as directors at such election, shall be the directors, and shall hold their offices for one year, and until others shall be chosen in
6 their places; and if any vacancies shall happen among the directors by death, resignation or otherwise, such vacancies shall be filled for the remainder of the year in which they may happen, by the appointment of the other directors for the time being, or
7 a majority of them; and that the first directors shall be Jonas Williams, Leonard D. Nicoll, Jacob Powell, Jonathan Cooley and Joseph Morrell; and that John D. Nicoll shall be the first treasurer, who shall hold their offices until the first Monday in May, in the year of our Lord one thousand eight hundred and three, or
8 until others shall be chosen to succeed them; and that the said directors shall at their first meeting after such election, appoint one of their number president,

- 9 III. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or funds of the said corporation, shall not exceed three hundred, and that each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold, in his or her
10 name, according to the following ratio; that is to say: Every owner of one or more shares to the number of five, shall have one vote, and for every five shares more, one vote.

- 11 IV. *And be it further enacted*, That the president and directors for the time being, or a majority of them, shall have the disposition of the funds of the said corporation, to and for the uses afore-
12 said, and shall annually on the second Monday in April, lay before the stockholders of the said corporation, a general statement of their accounts and proceedings, which said statement and proceedings it shall be the duty of the president and directors to lodge with the treasurer, at least eight days previous to such annual meetings, for the inspection and examination of the stockholders;
13 and the president and directors for the time being, or the major part of them, shall have power to make and prescribe such rules

and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, and touching the duties and conduct of their secretary, clerks, agents and servants employed therein, and touching all such matters as appertain to the said corporation, with power to appoint such and so many workmen, clerks and servants for the erecting and building of the said bridge, as they may deem necessary.

V. *And be it further enacted*, That in case the said bridge shall not be erected, built and completed, on or before the first day of April, in the year of our Lord, one thousand eight hundred and five, then and in such case, the corporation by this act created, shall be adjudged and considered as dissolved.

VI. *And be it further enacted*, That as soon as the said bridge shall be finished and completed, and the judges of the court of common pleas, in and for the said county, or any one of them, shall upon inspection, certify under their hands, that the said bridge is well and sufficiently constructed and built, and will admit of the passage of teams with loaded carriages, it shall and may be lawful for the said president and directors, to erect a gate at either end of the said bridge, and demand, receive and take for the use of the said corporation, a toll not exceeding the following rates, to wit: Every four wheel pleasure carriage drawn by four horses, twenty-five cents, if drawn by two horses, twelve and an half cents; every two wheel pleasure carriage, drawn by one horse, six cents, if drawn by two horses, ten cents; every waggon drawn by two horses, six cents, and if drawn by four horses, ten cents; each sled drawn by two horses, six cents, if drawn by four horses, ten cents; each ox waggon or cart, drawn by two oxen, six cents, and each additional yoke of oxen, two cents; every one horse cart, three cents; every one horse sled, three cents; every man and horse, three cents; every foot passenger, one cent; every horse, jack or mule, two cents; every cow or other neat cattle, an half cent; every score of sheep or hogs, five cents, and so in proportion for a greater or less number.

VII. *And be it further enacted*, That the said bridge shall not be less than sixteen feet wide, and shall be secured with good and sufficient railing on each side thereof.

VIII. *And be it further enacted*, That if any person shall break, cut or destroy any part of the said bridge, or shall forcibly pass the said gate, without having paid the legal toll, such person or persons shall each and severally forfeit and pay ten dollars, to be recovered by the treasurer of the said company, to their use in an action of debt; and if any foot or other passenger, or any person with his team, carriage or horse, shall turn out of the road, and pass or go round the said gate or bridge, and again enter on the said road, so as to avoid the payment of the toll due by virtue of this act, such person or persons shall each and severally forfeit and pay the sum of ten dollars, to be recovered and applied in manner aforesaid.

- 19 IX. *And be it further enacted*, That if any toll-gatherer, or other person, shall unreasonably delay or hinder any traveller or passenger at the gate, or receive more or other toll than is by this act established, shall for every such offence forfeit and pay the sum of twenty-five dollars, to be sued for and recovered before any justice of the peace in the said county of Orange, for the sole use of the person so unreasonably detained, or attempted to be detained or defrauded.
- 20 X. *And be it further enacted*, That the said corporation shall cause to be kept, a fair and just account of all monies received
- 21 for toll on the said bridge, and shall make and declare a dividend of the clear profits and income (all contingent charges being first deducted) amongst all the stockholders of the stock of the said corporation, and shall on the second Tuesday in January and July in every year, publish the half-yearly dividend to be made of the said clear profits, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.
- 22 XI. *And be it further enacted*, That the said corporation shall within six months after the said bridge is completed, lodge in the office of the clerk of the county where such bridge is, an exact account of the expences thereof; and the said corporation shall annually exhibit to the said clerk, a true account of the dividends made and arising from the said toll, with the annual disbursements on said bridge.
- 23 XII. *And be it further enacted*, That the clerk of the county aforesaid, shall, and he is hereby directed to exhibit the same to the comptroller of this state, who is hereby directed to report the same to the legislature, whenever it shall appear from the accounts so to be exhibited to him, that the income arising from the said toll shall have fully compensated the said corporation for all monies they have expended in purchases, making, repairing the said
- 24 bridge, and for all other expenditures thereon, together with an interest of fourteen per cent by the year, and thereupon the said corporation shall be dissolved, and the interest and property of
- 25 the said bridge shall be vested in the people of this state; *Provided*, That if the said corporation shall not proceed to commence work on the said bridge within one year after the passing of this act, and shall not, within two years thereafter, complete the said bridge, according to the intent and meaning of this act, then and in either of these cases, this act shall cease and be void and of no effect;
- 26 *And provided also*, That all and every person going to or returning from any funeral, with their and each of their horses and carriages, shall be exempted from paying toll for crossing the said bridge, any thing in this act to the contrary notwithstanding.

GLEN'S FALLS.

C H A P. CIII.

CONTENTS.

4. Gate may be erected, and toll demanded for 21 years.
5. Toll, Rates of, established.
1. Toll-Bridge over Hudson's river, W. Ferris authorized to build.
2. ——— Size of, and in what manner to be built.
3. ——— When completed, notice to whom given, &c.
6. ——— If carried away, &c. may be rebuilt.
- 7, 8. ——— For what cause and at what time to revert to the State.

An ACT to authorise Building a Toll-Bridge over the Hudson's River, at Glen's Falls.

Passed April 2d, 1802.

WHEREAS the time limited by law, for building a certain toll-bridge over the Hudson's river, expired on the first day of January last: *And whereas*, Warren Ferris, by his petition to the legislature, hath prayed leave to build a toll-bridge over Hudson's river, at the place called Glen's Falls: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the said Warren Ferris, his executors, administrators or assigns, to build a toll-bridge over the said Hudson's river at Glen's Falls: *Provided always*, That the said bridge shall not be less than sixteen feet wide, with a strong railing on each side thereof, and shall be built in so substantial and workmanlike manner, as that laden carriages may safely travel thereon; and the said bridge shall be completed on or before the first day of January, one thousand eight hundred and three, and if not so and then completed the liberty hereby granted then shall cease and determine.

II. *And be it further enacted*, That it shall be the duty of the person and persons authorized to erect the said bridge, as soon as the same shall be completed, to give notice thereof to the commissioners of highways, for the towns of Queensbury and Northumberland, in the counties of Washington and Saratoga; and it is hereby required of, and enjoined on the said commissioners, within fifteen days after such notice, to meet near the said bridge and to examine the same, and if they or a majority of them, or a majority of such of them as shall meet, shall deem the same to be properly constructed and completed, in manner aforesaid, then they or such majority, shall subscribe a certificate thereof, and deliver the same to the person or persons authorized to build the said bridge.

III. *And be it further enacted*, That it shall and may be lawful for the said Warren Ferris, his executors, administrators and assigns, from and after the receipt of such certificate as aforesaid, to construct and erect a gate or turnpike at either end of the said bridge, and adjacent thereto to erect a toll-house, and shall from thenceforth, and for and during the term of twenty-one years, to be computed from the first day of January last past,

be and they are hereby authorized to take toll from every person crossing the said bridge, at the following rates, and no more, to wit : For a person and horse, six cents ; for every head of neat cattle, two cents ; for every horse or mare and colt, two cents ; for every sheep and hog at and after the rate of per score, ten cents ; for every carriage drawn by one horse, eight cents ; for every carriage, drawn by two horses or cattle, ten cents, and for every additional horse or ox, two cents.

IV. *And be it further enacted*, That if at any time during the term aforesaid, the said bridge shall be carried away, in whole or in part, by floods or otherwise, or shall become so out of repair, as in the opinion of a majority of the said commissioners, passing thereon with carriages shall be unsafe, then and in every such case, the person or persons entitled to take such toll at such bridge, shall rebuild or repair the same within twelve months from the time when the same was carried away, or deemed by the majority of the said commissioners to require repairs ; and in default of such rebuilding or repairing within the time last aforesaid the remains of such unrepaired bridge, with the gate, turnpike and toll-house, shall revert to the people of this state, any thing in this act to the contrary notwithstanding.

V. *And be it further enacted*, That at the expiration of the said term of twenty-one years, the said bridge, with the gate, turnpike and toll-house, shall revert to and vest in the people of this state, without any compensation to the builder thereof, or to his executors, administrators or assigns.

S C H O H A R I E - K I L L .

C H A P. LXXI.

C O N T E N T S .

13. Capital, if not all expended on the bridge, how appropriated.
- 2, 5. Commissioners, to receive subscriptions and notify election.
14. ——— Appointed by the Supervisors of Delaware, their duty.
21. ——— If Bridge or Road is out of repair, may order Gate to be set open.
1. Company, title and corporate Rights of.
- 22, 23. Corporation, for what cause to be dissolved.
6. Directors, seven to manage the concerns of the Company.
9. ——— Their powers, in conjunction with the President.
7. Election of Directors, anniversary day of.
15. Gate, the erection of, to be licensed by the Governor.
- 19, 20. Penalty for injuring or forcibly passing the Bridge.
8. President, to be chosen.
- 3, 10. Shares, their value and number.
4. ——— Three Dollars on each, to be paid at subscribing.
12. ——— Further payments as the Directors shall require.
17. Toll, Rates of, established.
- 16, 18. Toll-Gatherer to be appointed—his duty.
11. Votes apportioned.

An ACT to incorporate the Schoharie-Kill Bridge Company.

Passed March 30th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Stephen Simmons, Isaac Hardenbergh, William Beach, Medad Hunt, Martinus Laraway and John Van Loon, and their present and future associates, and their successors, shall be and they are hereby created a body corporate and politic, by the name of "The President, Directors and Company of the Schoharie-kill Bridge Company," for the purpose of building a bridge across the Schoharie-kill, near the house of Martinus Laraway, in the town of Windham, in the county of Greene, and they are hereby ordained, constituted and declared to be for ever hereafter, a body corporate and politic, in fact and in name; and by that name, they and their successors, shall and may have continual succession, and shall be persons in-law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure, and also that they and their successors by the same name and stile, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use of said corporation; *Provided*, That the real estate so to be holden, shall be such only as shall be necessary to promote or attain the objects of this incorporation.

II. *And be it further enacted*, That Stephen Simmons, Isaac Hardenbergh and William Beach, be and they are hereby appointed commissioners to perform the several duties following, that is to say: They shall on or before the first day of June next, procure three books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves, our heirs, executors and administrators, promise to pay the president, directors and company of the Schoharie-kill bridge company, the sum of twenty dollars, for every share of stock in said company set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors and company;" one of which books shall be left with each of said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners, the sum of three dollars for each share so subscribed; and as soon as two hundred shares shall be subscribed, the said commissioners shall cause an advertisement to be inserted in the newspaper printed at Catskill, giving at least twelve days notice of the time and place the said subscribers shall meet for the purpose of choosing seven directors, being stockholders, to manage the concerns for one year, and the day of choosing the said directors shall for ever thereafter be the anniversary day for choosing directors; and a majority of

8 said directors shall be a quorum, and capable of transacting the
business of the said corporation; and every act of a majority of
said directors so met, shall be binding on the said corporation;
and the said directors elected by a plurality of the votes of the
9 stockholders present, shall immediately proceed to the choice of
one of their number for president; and the said president and di-
rectors may meet from time to time, at such time and place as
10 they may find expedient and direct, and shall have power to
make such bye laws, rules, orders and regulations, not inconsis-
tent with the constitution and laws of this state or of the United
States, as shall be necessary for the well ordering of the affairs of
the said corporation.

10 III. *And be it further enacted,* That the said president and di-
rectors may continue to receive subscriptions to the stock of the
said corporation, until there shall be five hundred shares subscribed
and shall have power to appoint such agents, clerks, workmen and
others under them as shall be necessary for executing the business
11 of the said corporation: And that each stockholder shall be enti-
tled to a number of votes equal to the number of shares he shall
have or hold in his own name, not exceeding ten shares in the
whole, and one additional vote for every three shares which he
may hold over that number.

12 IV. *And be it further enacted,* That the said directors may
demand from the stockholders respectively, all such sums of mo-
ney by them subscribed, at such times and in such proportions as
they may think proper, under the penalty of forfeiting their re-
spective shares and of all previous payments thereon, to the said
president, directors and company.

13 V. *And be it further enacted,* That in case the whole of said sum
of ten thousand dollars, shall not be required to be expended in
building said bridge as aforesaid, the directors shall cause the re-
sidue of said sum to be expended in opening, making, improving
and repairing the road from the house of John Moore, in the town
of Roxbury, in the county of Delaware, by the nearest and most
convenient route to the house of Daniel Harvey, at the foot of the
Catskill mountain.

14 VI. *And be it further enacted,* That the supervisors of the coun-
ty of Delaware, shall, at their next meeting, appoint three com-
missioners not stockholders in said company, who shall, on ap-
plication of the directors, inspect said bridge and road when com-
pleted, and said sum of money shall be expended as aforesaid, and
if in their opinion the said bridge is well built, and the residue of
said sum of money is advantageously and economically expended
on the road as aforesaid, they or a majority of them shall, under
their hands, make out a certificate thereof, which being present-
15 ed to the person administering the government of this state, he
may by licence under his hand and the privy seal of this state, per-
mit the said president, directors and company to erect a gate
across said road, in such part thereof, at or near the top of the
Catskill mountain, as they shall think proper.

16 VII. *And be it further enacted,* That as soon as said bridge shall

be built, and said road repaired as aforesaid, and permission to erect said gate be granted, the president and directors may appoint a toll-gatherer, to collect and receive of every person crossing said bridge, or using said road, the tolls hereafter mentioned, that is to say : For every score of sheep, eight cents; for every score of hogs, eight cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider or led horse, five cents; for every sulkey, chair or chaise, with one horse, twelve and an half cents; for every cart drawn by one horse, six cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage-waggon, or other four wheel carriage, drawn by two horses, mules or oxen, twelve and an half cents, and two cents for every additional horse, mule or ox; for every cart drawn by two oxen, twelve and an half cents, and for every additional horse or ox, three cents; for every sled or sleigh, if drawn by two horses or oxen, six cents, and in like proportion if drawn by a greater or less number of horses or oxen; and it shall be lawful for the toll-gatherer to stop any person riding, leading or driving any beast or carriage, till he shall have paid the toll herein allowed to be collected.

VIII. *And be it further enacted*, That if any person shall wilfully impair or injure said bridge, he shall pay to the said company treble the amount of the damages sustained, to be recovered with costs of suit by action of trespass, in any court having competent jurisdiction.

IX. *And be it further enacted*, That if any person shall forcibly pass through or go around said gate, in any road within eighty rods thereof, with intent to evade the payment of toll, he shall pay to the president, directors and company, four times the amount of the toll demandable from such person at said gate, to be recovered with costs by action of debt.

X. *And be it further enacted*, That whenever the said commissioners or their successors, to be appointed by the supervisors of the county of Delaware, at any regular meeting, shall find the said bridge not safely passable, or the said road to be out of repair, it shall and may be lawful for them or any two of them, in writing under their hands to be served on the toll-gatherer, to order said gate to be set open, until the said commissioners shall direct otherwise; and in case the said order shall be disobeyed, the said corporation is hereby declared to be dissolved from that day.

XI. *And be it further enacted*, That if the said bridge and road shall not be completed as aforesaid, within three years, or if said bridge after the same shall be completed, shall be impassable for carriages, for the space of ten months at any one time, the said corporation in such case is hereby declared to be dissolved.

XII. *And be it further enacted*, That this act is hereby declared to be a public act.

FLUSHING AND NEWTOWN. C H A P. LXXVI.

C O N T E N T S .

1. Capital Stock, encreased 100 Shares, of 25 dollars each.
2. Commissioners, appointed for taking subscriptions.
5. ——— Acts heretofore done by them, confirmed.
6. Creek, obstructions not to be placed in.
4. Instalments, how made.—3. Proxy, Votes may be given by.

An ACT supplementary to the Act, entitled " An Act for Building a Bridge over Flushing Creek, constructing a Road and establishing a Turnpike, between Flushing and Newtown, in the County of Queens," Passed March 21st, 1801.

Passed March 30th, 1802.

WHEREAS the president and directors of the Flushing and Newtown turnpike, bridge and road company, have by their petition among other things set forth, that the capital stock of the said company is inadequate to the purposes intended in and by the said act: Therefore,

- 1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the capital stock of the said company be encreased one hundred shares, each share being of the value of twenty-five dollars; and that Samuel Riker, Robert Moore and David Gardiner, commissioners named in the said last mentioned act, shall be, and they are hereby appointed commissioners for taking subscriptions; and each of the said commissioners, shall, on or before the first Tuesday in May next, provide themselves with books, and open the same for subscriptions, in the same manner as is directed in and by the said last mentioned act, and shall continue them open from day to day, until the whole number of one hundred shares are subscribed for, in the same manner, and subject to the same terms and regulations, as are directed and set forth in the said last above mentioned act.*
- 3 II. *And be it further enacted, That the said stockholders in the said company, at the time stated for the election of directors in the said last above mentioned act, at such election may vote by proxy; Provided, The proxy be derived directly from such stockholders, and the vote be given by a citizen of the United States, being an inhabitant of this state.*
- 4 III. *And be it further enacted, That from and after the passing of this act, any subscriber or stockholder in the said company, neglecting or refusing to pay all or any part of the several sums of money subscribed by them at the respective times when they shall become due and payable, or if any of the subscribers or stockholders of the said company shall neglect or refuse to pay such sum or sums of money as became due and payable to the said company, prior to the passing of this act, for the space of fourteen days after notice being published in two of the public newspapers in the city of New-York, from the president of the said company, that the same is due and unpaid, shall forfeit to the use of the said company, all the money previously paid on account of*

such share or shares respectively, in payment whereof such default hath been or shall be made, together with all right, title, interest, emolument, claim and demand whatsoever, of, in and to the funds and profits arising, or to arise therefrom, by reason of such forfeited share or shares.

IV. *And be it further enacted*, That the act or acts of the commissioners named in the last above mentioned act, as they respect the opening of the books for the purpose of receiving subscriptions in the month of June, in the year of our Lord one thousand eight hundred and one, be and the same are hereby confirmed; *Provided*, That it shall not be lawful for the said president and directors, or any person employed by them, to place in the said creek any thing that may impede the flowing and ebbing of the waters thereof, except such piles as may be necessary to support the said bridge.

Turnpikes.

QUAKER-HILL.

C H A P. LXVI.

CONTENTS.

23. Accounts how kept, and Dividends how made.
2. Company, Stile & corporate Rights—37. When to be dissolved.
4. Commissioners, their duty in receiving Subscriptions,
6. ——— To notify Stockholders of the first Election.
16. ——— To determine the direction of the Turnpike, &c.
21. ——— To view and inspect the Road and report to the Gov.
34. Comptroller, the Directors to account with.
20. Damages, how to be assessed in case of disagreement.
7. Directors, thirteen to manage the concerns of the Company.
- 10, 14. ——— and President, powers granted to.
8. Election, anniversary day of.
3. Estate, real, Company may hold to a certain amount.
36. Funds may be encreased.
22. Gates, Gov. to license the erection of—32. May be removed.
27. ——— Rates of toll to be affixed at.
19. Lands, Company may enter upon—paying therefor.
26. Mile-Stones and Guide-Posts to be erected.
28. Penalty for injuring Gates, Mile-Stones, &c.
9. President, to be chosen by the Directors.
12. ——— In his absence, a President pro tem. may be chosen.
5. Shares, value thereof—13. Number—30. Transferable.
35. ——— Payments on, to be made as Directors shall require.
24. Toll, Rates of, established—31. May be lessened.
23. Toll-Gatherers to be appointed—25. Powers granted to.
29. ——— Penalty on, for misconduct.
- 1, 15. Turnpike-Road, where to commence—width thereof, &c.
- 16, 17. ——— Direction thereof, &c. by whom determined.
18. ——— How made, and of what materials.
11. Votes apportioned—May be given by proxy.

An ACT to establish a Turnpike Corporation, for improving and making a Road from Quaker-Hill, in Dutchess County, at the Line of Connecticut, near the House of Jephtha Sabins, to or near the House of Peter Brill, in the Town of Beekman.

Passed March 30th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Jonathan Akin, Daniel Merriit, Reed Ferris, James Peckham, William Akin, Daniel C. Verplank, Peter Bogardus, Martin Wiltfie, jun. Peter Loffing, Ebenezer Cary, Benjamin Noxen, Peter Brill, and all such others as shall associate for the purpose of making a good and sufficient road, to run in the nearest and most direct route, as far as circumstances will admit, from the line of Connecticut, near the house of Jephtha Sabins, to the foot of the mountain called Fishkill mountain, near where the old road crosses; from thence the most convenient route to Peter Brill's; their successors and assigns, be, and they hereby are created and made, a body corporate and politic, by the name and stile of "The President, Directors and Company, of the Quaker-hill turnpike road," and they are hereby declared to be a body corporate and politic, in fact and in name, and by that name they and their successors, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors, by the same name and stile, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation; *Provided*, That the amount of such real estate, which the said corporation are hereby authorized to purchase and hold, shall not exceed four thousand dollars; *And provided further*, That such estate as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever.

II. *And be it further enacted*, That Daniel Verplank, Peter Loffing and William Akin, be and they hereby are appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: They shall on or before the first day of May next, procure three books and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Quaker-hill turnpike road, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners, at their respective place of abode, who shall immediately open the same, and keep the same open for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay unto either of the said

commissioners, two dollars and fifty cents, for each share so by him subscribed ; and the said commissioners shall, as soon as two hundred shares are subscribed, cause an advertisement to be inserted in one of the public newspapers at Poughkeepsie, in Dutchess county, and one of the public newspapers in the town of Litchfield, in the state of Connecticut, giving at least ten days notice of the time and place, when and where the said subscribers shall meet to choose thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the company for one year ; and the said directors shall be chosen by ballot by the stockholders then present ; and the day of choosing said directors, shall for ever thereafter be the anniversary day for choosing said directors ; and any seven of said directors shall be a quorum, and capable of transacting the business of the said corporation ; and every act of the majority of the directors so met, shall be binding on the said corporation ; and the said directors elected by a plurality of the stockholders present, shall immediately proceed to elect by ballot one of their number for president ; and the said president and directors may meet from time to time, at such places as they may find expedient and direct, and they shall have power to make such bye laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they shall deem necessary, for the well ordering the affairs of the said corporation : *Provided*, That at the election of directors, the stockholders not present may vote by proxy for said directors, and each stockholder shall be entitled to one vote, for every share he shall hold under the number of ten shares, and one additional vote for every ten shares he shall hold above the number of ten shares.

III. *And be it further enacted*, That in case of the death, absence or inability of the president, a quorum of the directors may appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation, in like manner as if the president was with them.

IV. *And be it further enacted*, That the said president and directors, may continue to receive subscriptions to the stock of the said corporation, until there shall have been four hundred shares subscribed ; and shall have power to appoint such officers, agents, clerks, artists, workmen and others under them, as shall be necessary for executing the business of the said corporation.

V. *And be it further enacted*, That the said turnpike road, including the ditches, shall be at least four rods wide, and shall extend from the line of the state of Connecticut, near the house of Jephtha Sabins, in the town of New-Fairfield, to or near the house of Peter Brill, in the town of Beekman in the county of Dutchess : That the direction of the said turnpike road, shall be determined and marked out by three disinterested commissioners, to be appointed by the person administering the government of this state ; and it shall be the duty of the said commissioners, to lay out the direction of said road, without favor or partiality, according to the best of their judgment, so as to answer the ob-

- 17 ject of the corporation and secure the public interest ; and the said commissioners shall cause an accurate map of the survey of such road, designating particularly the track thereof, to be made and filed in the clerk's office of the county of Dutchess ; and the expences of surveying the said road, and of making and recording such map, together with the allowance to the said commissioners, at the rate of two dollars per day for their services, shall
- 18 be paid by the said corporation ; That the said road shall be made by bedding at least the breadth of twenty feet with stone, or other hard substance one foot thick, and the same shall be covered at least six inches with gravel or other hard substance, so as to make the surface thereof firm and smooth ; and the ditches on the side of the said road, shall, where it may be practicable, be of a proper width and sufficiently level to form a good road for sleighs.
- 19 VI. *And be it further enacted*, That it shall be lawful for the said president, directors and company, after the track of the said road shall have been designated as aforesaid, to enter upon and take possession of such quantity of improved or unimproved land, not exceeding four rods wide, as shall be necessary for making
- 20 the said road, the said president, directors and company paying to the owners of the lands, such value and damages as shall be agreed upon, or in case of disagreement, as shall be assessed by two justices of the peace, and by the oaths of twelve reputable and disinterested freeholders, who shall be summoned by the constable of the town in which such land may be, by virtue of a warrant to be issued by the said justices for that purpose : And in case of the infancy, coverture, insanity or absence from the state of any of the owners, it shall be lawful for the said president, directors and company, to take possession of such land, the value and damages whereof shall be ascertained and assessed, in the manner above prescribed, and paid to the persons entitled thereto on demand ; and on the payment of the value of the said land, so to be taken for the said road, the right and title thereto shall vest in the said president, directors and company.
- 21 VII. *And be it further enacted*, That as soon as the president, directors and company, shall have completed, the said road, it shall be lawful for the said president and directors, to give notice to the governor of this state, for the time being, who shall thereupon forthwith nominate and appoint three commissioners, to view the same and report to him in writing, whether such part of said road is completed in a workman-like manner, according to the
- 22 true intent and meaning of this act ; and if the report shall be in the affirmative, then it shall be the duty of the governor to whom they report, and he is hereby requested, by licence under his hand and the privy seal of this state, to permit the said president and directors, to erect and fix two gates and turnpikes, upon and across said road, to collect the duties and tolls herein after granted to the said corporation, from all persons travelling or using the same.
- 23 VIII. *And be it further enacted*, That as soon as the said road shall be completed, and permission so as aforesaid granted to erect a gate or gate, upon and across the same, it shall be lawful

for the said president and directors, to appoint toll-gatherers to collect and receive of and from all and every person or persons, using the said road, at either of the said gates, the tolls herein after mentioned and no more, that is to say : For every score of 24 sheep or hogs, eight cents ; for every score of cattle, horses or mules, twenty cents ; for every horse and rider, led or driven horse, five cents ; for every fulkey, chair or chaise with one horse, twelve and an half cents ; for every cart drawn by one horse, six cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage waggon or other four wheeled carriage drawn by two horses, mules or oxen, twelve and a half cents, and for every additional horse or ox, three cents ; for every sleigh or sled, six cents if drawn by two horses or oxen, and in like proportion if drawn by a greater or less number of horses or oxen : That it 25 shall be lawful for any of the toll-gatherers, to stop and detain any person riding, leading or driving, any horse, cattle, sheep or hogs, fulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the gates or turnpikes, until they shall respectively have paid the toll as above specified. *Provided*, That nothing in this act shall be construed to entitle the said corporation, to demand toll of or from any person passing to or from public worship, or to or from his common business on his farm, or in going to or from his out lands, or to or from any mill to which he may resort for the grinding of grain for his family's use, or persons going to or returning from a funeral, or going after or returning with a physician or midwife.

IX. *And be it further enacted*, That the said corporation shall 26 cause mile stones to be erected, one for each mile of the said road, and on each stone shall be fairly and legibly inscribed or marked, the distance the said stone is from Fishkill landing ; and shall also erect guide-posts, at the intersection of all public roads leading into or from the said turnpike, on which shall be inscribed the name of the town in which said post stands, and also the name of the town or towns to which such intersecting road leads, in the direction to which the hand on the same points ; and the said cor- 27 poration shall cause to be affixed at or over each gate or turnpike, a printed list of the rates of toll which may be lawfully demanded.

X. *And be it further enacted*, That if any person or persons, 28 shall break or throw down, deface or injure any of the mile stones or guide posts so to be erected, for the information of travellers, or shall dig up and attempt to spoil any part of the said road, or shall cut, break down or destroy any part of the gates or turnpikes, or other works belonging to the said road, which shall be made or erected in pursuance of this act, or shall forcibly pass any or either of the said gates or turnpikes, without having paid the legal toll at each gate or turnpike, such and every such person and persons shall for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of the said corporation, to their use in an action of debt, with costs of suit, in any court having cognizance of the same ; and if any person or persons, shall with his or their team or teams, carriage or horse, turn out of the said road, to pass any or either of the gates on ground

adjoining thereto, and again enter on said road, having passed the said gate or gates, to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit.

- 29 XI. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand and receive more toll than is by this act established, he shall for every such offence, forfeit and pay twenty-five dollars for the use of the person so unreasonably delayed or hindered.
- 30 XII. *And be it further enacted*, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.
- 31 XIII. *And be it further enacted*, That it shall be lawful for the said president and directors, at any time after the completion of
- 32 said road to lessen the rate of toll or duties, or take away one of the gates and turnpikes, provided two thirds of the stockholders shall agree thereto.
- 33 XIV. *And be it further enacted*, That the president and directors of the said corporation, shall keep a just and fair account of all monies received or to be received by the several collectors of toll on said road; and shall make and declare a dividend of the clear profits and income, all contingent costs and charges being first deducted, among the stockholders of the said corporation; and on the first Tuesday in January and July in every year, shall publish the half yearly dividend of the clear profits to be made among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.
- 34 XV. *And be it further enacted*, That the said president and directors shall, within six months after said road shall be completed, lodge in the comptroller's office of this state an account of the expences thereof, and the corporation shall annually exhibit to the comptroller a true account or dividend arising from said toll, with the annual disbursements on said road.
- 35 XVI. *And be it further enacted*, That it shall be lawful for the said president and directors to call and demand from the stockholders respectively all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain and forfeiture of their shares, and all the previous payments thereon, to the said president, directors and company.
- 36 XVII. *And be it further enacted*, That after the amount of the said number of four hundred shares, mentioned in and by the fourth section of this act, shall have been appropriated by the said president, directors and company, for the purpose of making a good and sufficient road between the places aforesaid, and the sum so appropriated shall be found insufficient to effect the same, it shall be lawful for the said president and directors, in order to complete the said road and turnpikes, to increase or raise the funds of the said corporation, by adding a sum, not exceeding ten dollars, to each and every share in the whole stock; which sum, so to be added, shall be in an equal ratio upon each and every

share to be collected and paid in manner aforesaid, subject on default of payment. to the pains and forfeitures aforesaid.

XVIII. *And be it further enacted*, That the legislature may dissolve the said corporation, when the income arising from the said toll shall have fully paid and compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of fourteen per cent per annum, and thereupon the right, interest and property of the said road shall be vested in the people of this state, and be and remain at their disposal; *Provided*, That if the said corporation shall not commence their operations on said road within one year after the passing of this act, and shall not, within four years after complete the same according to the intent and meaning of this act, then and in either case this act shall cease, be void, and of none effect.

ALBANY AND SCHENECTADY.

C H A P. LXIX.

CONTENTS.

- 36. 39, Accounts, how kept—to be exhibited to the Comptroller.
- 26. Albany City, Rights reserved to the Corporation of.
- 3. Bye-Laws and Ordinances, may from time to time be made.
- 12. Compensation, to the President and Directors, how made.
- 1. Corporation, Style and Rights of.—38. When to be dissolved.
- 20. Damages, how ascertained in case of disagreement.
- 5. Directors, nine, to manage the concerns of the Company.
- 11. ——— Vancancy, in the office of Director, how supplied.
- 40. DIVIDENDS—38. INTEREST—7. VOTES.
- 6. Election, day of—to be by Ballot—personally or by proxy.
- 8. ——— How conducted—9. In what case a New Election.
- 2. Estate, real, Company may hold to the value of 6000 dollars.
- 27. Foot Passengers, Turnpikes to be kept free for their passage.
- 22. 42, Gates, when to be erected.—25. Proviso respecting.
- 41. Highway, in the track of the Turnpike, may be taken.
- 18. Lands, improved or unimproved, may enter upon and take.
- 19. Materials, may be taken.—21. Proviso respecting.
- 29. Mile-Stones, to be erected.—44. Old Road, not be obstructed.
- 32, 33. Penalties, for injuring Gates, Mile-Stones, Guide-Posts, &c.
- 10. President, how appointed—President pro tem. may be chosen.
- 15. Road, breadth thereof—17. How made, and of what materials.
- 16. ——— Direction thereof, by whom to be marked out, &c.
- 42. ——— When completed, Commissioners to view.
- 43. ——— Commissioners from time to time to view and inspect.
- 4. Stock, to consist of 2000 Shares of 50 dollars each.
- 13. Stockholders, General Meeting of, how called.
- 23. Toll, Rates of, established.—30. Lists of, to be affixed at gates.
- 24. ——— Carriages, loaded with wood, &c. exempted from.
- 28. ——— May be diminished, or exacted at but one Gate.
- 34. Toll-Gatherers, Penalties on—35. Powers granted to, &c.
- 14. Treasurer, to give bond with security.
- 31. Trees, may be planted.—37. Expence of, part of the Stock.

An ACT, for establishing a Turnpike Road between the Cities of Albany and Schenectady.

Passed March 30th, 1802.

WHEREAS Goldsbrow Banyar, Abraham Ten Eyck, Abraham Ten Broeck and others, have entered into an association to form a company for making a turnpike road between the cities of Albany and Schenectady, and have prayed to be incorporated for that purpose : Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said Goldsbrow Banyar, Abraham Ten Eyck, Abraham Ten Broeck and their associates, are hereby constituted a body corporate and politic, by the name of

- 1 " The President, Directors and Company of the Albany and Schenectady Turnpike ;" and by that name shall have perpetual succession ; sue and be sued, defend and be defended in all actions and matters whatsoever ; have a common seal and change the same at pleasure ; purchase, take, hold and convey any estate real
- 2 or personal ; *Provided*, That such real estate shall not at the time of acquiring the same exceed in value the sum of six thousand dollars, beyond what shall be necessary to effect the object of the incorporation ; that the president and directors of the said company, shall and may from time to time pass such bye-laws and ordinances, for regulating the concerns of the said company, the conduct and duty of their members, officers, agents and servants, the compensation to be granted to them respectively, the manner of making transfers of the stock of the said company, convening and holding their stated and other meetings, and all other matters relative to the said turnpike road, as to them shall seem proper, and
- 4 the same to repeal or amend at pleasure ; and the stock of the said company shall be deemed personal property, and shall consist of two thousand shares of fifty dollars each, to be paid on the requisition of the president and directors in such proportions, at such periods and after such notice, as they shall direct and appoint, upon pain of forfeiture of such shares, and all previous payments, if such requisitions shall not be complied with within thirty days
- 5 after the times respectively appointed for that purpose ; that the management of the concerns of the said company shall be entrusted to nine directors, who shall be stockholders resident in the state of New-York, and who shall continue in office one year from the
- 6 first Tuesday of January in every year ; that there shall be an election on the Tuesday preceding every such first Tuesday of January, at such place in the city of Albany and at such hour as the president and directors shall appoint, by bye laws by them from time to time to be made, at any of their stated meetings, or by a notification by them to be made and published in one of the public newspapers printed in the city of Albany, at least three days before such election day ; that all such elections shall be by ballot by the stockholders present, either in person or by proxy,
- 7 such stockholders voting in the following proportions, that is to say ; one vote for every share not exceeding ten ; one vote for

every two shares exceeding ten, so as no stockholder shall have more than thirty votes, and so as that no share shall confer a right of suffrage, which shall not have been held at least three calendar months before the day of such election, by the person offering to vote therefor; that the stockholders present immediately before the opening of such election, and after the hour appointed for holding the same, shall by a plurality of votes, appoint three stockholders, then also present, inspectors of such election; that such inspectors shall receive the ballots, and immediately after the election is closed, openly examine, count and estimate the votes, and shall thereupon make and subscribe a certificate of the result of such election, specifying the names of the persons so elected directors, and the names of such who have an equal number of votes for directors, if by means of such equality of votes, the requisite number of directors shall not have been elected; that if any two or more persons shall have an equal number of votes for directors, so as that nine directors shall not have been elected at any such election, the stockholders shall on the the day succeeding such election at the same place and at the same hour, at which such election shall have been held, in like manner proceed to elect of the persons who shall have had an equal number of votes as aforesaid by plurality of votes, so many as shall complete the number of nine directors; at which last aforesaid election the same inspectors who shall have been appointed the preceding day, shall again perform the duties enjoined on them as inspectors, and if such inspectors be absent, the stockholders present shall in like manner appoint others in their stead, for the purposes aforesaid; that if such election shall not be held at any of the days for that purpose appointed, it shall be lawful to make such election at any other day by the directors to be appointed in like manner, and with like effect as if the same had been held at the usual time, and the directors in office shall, in that case, be incapacitated after such first Tuesday of January from performing any act as directors, other than such as may be necessary to give such election effect; that the directors shall, on the Tuesday next succeeding any such election-day, in every year, by plurality of votes, appoint one of their number president, who shall in like manner hold his office for one year from the first Tuesday of January preceding; that in case of the absence of such president, the directors present, at any meeting, may in like manner appoint a president for the meeting; that the president shall have a casting vote and no other; that in case of vacancy in the office of director, by death, resignation or otherwise, other or others shall be elected by the stockholders, in manner aforesaid, to fill such vacancy; that John Lansing, junior, shall be the first president, and Stephen Van Rensselaer, Stephen Lush, Dudley Walth, Gerrit W. Van Schaick, Daniel Hale, John Tayler, Abraham Oothout and Joseph C. Yates, the first directors of the said company, and that they shall continue in office until the first Tuesday of January next.

II. *And be it further enacted,* That the stockholders of the said 12 company shall make such compensation to the president for any

- extraordinary attendance, as shall appear to them reasonable, but that neither the president, nor any of the directors shall be entitled to any emolument but such as shall have been allowed at a general meeting of the stockholders ; that not less than five directors, of whom the president shall always be one (unless in case of sickness or necessary absence ;) and that any number of stockholders, not less than forty, who together shall be proprietors of at least four hundred shares, may call a general meeting of stockholders, for purposes relative to the institution, giving at least sixty days notice thereof in one or more of the public newspapers printed in the city of Albany, specifying the objects of such meeting ; that every treasurer, before he enters on the duties of his office, shall give a bond with two sufficient sureties conditioned for the just and due execution of his office.
- III. *And be it further enacted,* That the said turnpike road, including the ditches, shall be at least four rods, and not exceeding six rods in breadth, and shall extend from the east range of Snipe-street, in the city of Albany, to the sixteen mile-stone, standing near the house of Henry R. Teller, and shall include the breadth of the present road, that leads into State-street, in the city of Schenectady ; that the direction of the said turnpike road, shall be determined and marked out by three disinterested commissioners, to be appointed by the person administering the government of this state ; and it shall be the duty of the said commissioners to lay out the direction of such road, without favour or partiality, according to the best of their judgment, so as to answer the object of this incorporation, and secure the public interest ; and the said commissioners shall cause an accurate map of the survey of such road, designating particularly the track thereof, to be made, and filed in the clerk's office of the city and county of Albany, and the expences of surveying the said the road, and of making and recording such map, together with an allowance to the said commissioners, at the rate of two dollars per day for their services, shall be paid by the said corporation ; that the said road shall be made by bedding at least the breadth of two rods, with stone or other hard substance, so as to secure a solid foundation, and the same shall be covered with gravel or other hard substance, so as to make the surface thereof firm and smooth ; and the ditches on the sides of the said road shall (where it may be practicable) be of a proper width, and sufficiently level to form a good road for sleighs.
- IV. *And be it further enacted,* That it shall be lawful for the said president and directors, after the tract of the said road shall have been designated as aforesaid, to enter upon, and take possession of such quantity of improved or unimproved land, not exceeding six rods in breadth, as shall be necessary for making the said road ; and from time to time to search for, take and carry away from the lands of any persons whomsoever, any stone, gravel or sand, or other materials necessary and proper for constructing or repairing the said road, the said president, directors and company, paying to the owners for the lands or materials, such value and damages as shall be agreed upon, or in case of disagreement, as shall be as-

essed by two justices of the peace, and by the oaths of six respectable and disinterested freeholders, who shall be summoned by the sheriff of the county of Albany, by virtue of a warrant to be issued by the said justices for that purpose. And in case of the infancy, coverture, insanity or absence from this state of any such owners, it shall be lawful for the said president and directors, to take possession of such land, and to search for and carry away such materials, the value and damages whereof shall be ascertained and assessed, in the manner above prescribed, and paid to the person or persons entitled thereto on demand : *Provided always*, That the said president and directors shall in no case, cut and carry away timber or wood, or take and carry away any stone fence, or stone collected for building, from any lands without having previously agreed with the owner for the purchase of the same, and paid the price thereof; and on the payment of the value of the said land, so to be taken for the said road, the right and title thereto shall vest in the said president, directors and company.

V. *And be it further enacted*, That as soon as the said turnpike road shall be completed, it shall be lawful to and for the said president, directors and company to erect two gates on the same, and to exact at each of the said gates, the tolls herein after mentioned, that is to say : For every score of sheep, four cents ; for every score of hogs, four cents ; for every score of cattle, ten cents ; for every horse and rider, or led horse, four cents ; for every coach, chariot, coachee or phaeton, twenty cents ; for every sulkey, chair or chaise with one horse, ten cents ; for every stage waggon, or other four wheeled carriage drawn by two horses, oxen or any other animals, ten cents, and two cents for every additional horse, ox or other animal ; for every cart, sleigh or sled, drawn by two horses, oxen or other animals, five cents, and for every additional horse, ox or other animal, two cents ; *Provided*, That nothing in this act shall be construed to authorise the exaction of toll for any carriage loaded with an ordinary load of fire wood, turf, fossil-coal or hay, or the horses, oxen or other animals drawing the same ; that no toll-gate shall be erected within three miles of the junction of the west side of Lodge-street with State-street, in the said city of Albany, or within three miles from the sixteen mile-stone aforesaid ; such distances to be measured in the track of such turnpike road, and if the same shall not touch the junction of Lodge and State-street, then measured from the range of the east side of Lodge-street, continued to the said track. *And provided further*, That the mayor, aldermen and commonalty of the city of Albany, may whenever they shall deem it necessary, for the convenience and accommodation of the inhabitants of the said city, resume and cause such part of the turnpike track, as shall run within the limits of the said city, to be pitched, levelled and paved in such manner as to them shall seem proper ; so as that the said president, directors and company, be exempted from any expence incurred by means of such pitching, levelling or paving, or keeping such part thereof as may be paved in repair ; and that the said turnpike road, shall not be

permitted to alter the level to be permanently established by the said mayor, aldermen and commonalty.

- 27 VI. *And be it further enacted*, That the said president, directors and company, shall always keep in good order and repair one or more turnpikes, for the passage of persons travelling on foot, at each of the said gates, through which all such foot passengers shall at all times be permitted to pass freely, without exacting
- 28 toll therefor; and that it shall and may be lawful to and for the said president and directors at any time, and for such time as in their discretion they may think proper, to diminish the said toll, or instead of two gates to exact toll at only one gate; *Provided*, The toll exacted at such one gate, shall not exceed in amount the sum which they are in and by this act authorized to exact at the two gates collectively.
- 29 VII. *And be it further enacted*, That the said president and directors shall cause a mile stone to be erected at the termination of each mile, and the distance from the city of Albany to be fairly
- 30 and legibly marked thereon; and shall cause to be affixed to each gate, and to preserve the same in good condition, a printed list of
- 31 the tolls which may be lawfully demanded; and that the said president, directors and company may in their discretion, at any time hereafter, cause trees to be planted either in the whole extent, or such parts thereof, as they shall from time to time deem proper, on the sides of the said road, within the limits prescribed for its breadth, at such distance and so disposed as to them shall seem meet.
- 32 VIII. *And be it further enacted*, That if any person or persons shall wilfully break or throw down, or deface any mile-stone or guide-posts, erected on the said road for the information or convenience of the people of this state, or trees planted or growing thereon, or shall cut, break down, or otherwise destroy any of the gates or turnpikes which shall be erected in pursuance of this act, every such person shall be liable to pay treble damages to the said president, directors and company; and if such treble damages shall not exceed the sum of ten dollars, then the sum of ten dollars, to be recovered in an action of trespass, with costs, by the said president, directors and company, in any court having cognizance
- 33 thereof; that if any person shall forcibly pass any of the said gates without having paid the legal toll, every such person shall pay to the said president, directors and company, the sum of five dollars, to be recovered by them in manner aforesaid.
- 34 IX. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger, at any of the gates, or shall demand or receive more toll than is by this act established, or shall be prescribed by the said president and directors, he shall for every such offence forfeit and pay the sum of five dollars, to be recovered by action of debt by the person so unreasonably delayed, hindered or defrauded, before any justice of the peace of the county in which such offence shall have happened; and that if any person who shall use the turnpike road, shall evade the payment of toll, by going round the toll-gate, he shall forfeit

and pay four-fold the amount of toll which he would have been liable to pay if he had passed through such gate with his horse or other animal, or carriage, to be recovered in like manner, with costs.

X. *And be it further enacted*, That any of the toll-gatherers, 35 may stop and detain the horses, cattle or carriages, riding the said road, until the persons on horseback or driving such carriages shall pay the toll legally due, or may distrain such horses, cattle or carriages, or any thing therewith being, or thereto appertaining, sufficient to satisfy such toll, which distress shall be kept by the toll-gatherer for the space of twenty-four hours, and as soon thereafter as may be, sold at public vendue, either in the city of Albany or Schenectady, to the highest bidder, rendering the surplus on demand, if any there be, after satisfying such toll and the costs of distress and sale, to the owner or owners thereof.

XI. *And be it further enacted*, That the said president, directors and company shall cause regular books to be kept of their expenditures, in constructing such turnpike road, of purchasing the land over which the same shall be laid out, of completing the same by repairing or new recovering such parts as shall have been injured or impaired, and of all costs, charges and expences, in any way relating to the same, and shall as soon as the same shall have been completed and inspected in the manner herein after mentioned, exhibit an account thereof to the comptroller, who shall examine and liquidate the same; that if at any time there- 37 after, the said president, directors and company shall plant trees on either or both sides of the said road, within the distance of three rods from a line drawn through the middle of the said turnpike road, the expence of procuring, planting and preserving the same, shall in like manner be liquidated and added to, so as to 38 compose part of the aggregate expenditure of the said company; and that whenever such sums, with fourteen per centum per annum on the same, shall have been re-paid to the stockholders, the corporation hereby created shall cease and determine.

XII. *And be it further enacted*, That the president and directors shall keep a just and true account of the production of such toll and of the monies from time to time expended, in the altering, repairing and management thereof; and that they shall make 40 regular half yearly dividends of such productions, previously deducting the amount of all such monies so expended in the repairing, altering and management of the said road, and shall publish the same in one or more of the public newspapers printed in the city of Albany.

XIII. *And be it further enacted*, That the said president, directors and company, may in their discretion appropriate any public highway in the track of such turnpike road for the purpose of constructing such turnpike road; *Provided*, They make another good and sufficient road contiguous thereto, and keep the same in repair until such turnpike road shall be completed.

XIV. *And be it further enacted*, That as soon as the said turn- 42 pike road shall be completed, the said president and directors shall

notify the person administering the government of this state, who shall thereupon appoint three persons to view the same, and report to him whether such turnpike road is well and sufficiently finished, according to the true intent and meaning of this act; and if such persons or any two of them shall report that it is so finished, then it shall be lawful for the person administering the government, by licence under his hand and the privy seal of the state, to authorize the said president, directors and company to fix gates on the said turnpike road,

43 XV. *And be it further enacted*, That three disinterested freeholders shall be appointed by the governor and council of appointment, whose duty it shall be upon complaint made on reasonable grounds, to examine the said road from time to time, and whenever they shall find the same out of repair, to order the toll-gate on such part of the said road as shall be so out of repair, to be kept open until it shall in their opinion be well and sufficiently amended and repaired; and that the said commissioners shall have and receive as a compensation for their services, respectively, the sum of two dollars for each day they shall be necessarily engaged in viewing and inspecting the said road; *Provided*, Such viewing and inspection do not exceed two days in any one month of the year, which said compensation shall be paid to such commissioners by the said president, directors and company.

44 XVI. *Provided always, and be it further enacted*, That nothing in this act contained shall authorize the said president, directors and company, to stop up or obstruct the old road between the city of Albany and Schenectady, on which the mile-stones are now standing.

XVII. *And be it further enacted*, That if the said turnpike road shall not be completed in the manner herein before prescribed, within five years from the passage of this act, then this act shall cease and be void; and the property acquired in land and improvement made on such turnpike road by the said president, directors and company, shall vest in the people of this state.

RENSSELAER AND COLUMBIA.

C H A P LXX.

CONTENTS.

Directors authorized to dispose of additional Shares.

An ACT making additional Provision for completing the Rensselaer and Columbia Turnpike Road.

Passed March 30th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the president, directors and company of the Rensselaer and Columbia turnpike road, to sell, for the purpose of completing the said road, as many additional shares, at twenty dollars each, as shall be found

necessary for the due completion thereof, subject to the directions, provisions and true meaning of the acts passed in relation thereto ; *Provided*, That the whole number of additional shares to be sold by virtue hereof, shall not exceed two hundred.

O R A N G E C O U N T Y .

C H A P . LXXXIV.

C O N T E N T S .

1. Company authorized to encrease their Shares to 270.
2. Toll, Rates of, varied from former law.

An ACT to amend an Act, entitled " An Act to establish a Turnpike Corporation in the County of Orange .

Passed April 1st, 1802.

WHEREAS the president, directors and company, of the Orange turnpike road, have by their petition represented to the legislature, that they have completed the said road, and that their present stock proves insufficient to defray the expences of making the said road, and erecting toll-houses and gates on the same ; and for relief have prayed the said act to be so amended as to enable them to increase their toll and number of shares : Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president, directors and company of the said turnpike road, to receive subscriptions to the stock of the said company, until the whole number of shares shall amount to two hundred and seventy.

II. *And be it further enacted*, That instead of the rate of toll allowed to be taken and collected, from all persons using the said road, as contained in the ninth section of the said act, it shall and may be lawful for the said president, directors and company, to appoint toll-gatherers, to collect and receive from all and every person or persons using the said road, or any part thereof, the tolls and duties following, that is to say : For any number of miles not less than ten, the following sums of money, and so in proportion for any greater or less distance, to wit : For every score of sheep or hogs, ten cents ; for every score of cattle, horses or mules, twenty cents, and so in proportion for any greater or lesser number of sheep, hogs, cattle, horses or mules ; for every horse or mule and rider, or led horse or mule, six cents ; for every sulkey, chair or chaise with one horse, eighteen cents ; for every cart drawn by one horse or mule, nine cents ; for every coach, coachee or phaeton, thirty-one cents ; for every stage waggon or other four wheel carriage, drawn by two horses, mules or oxen, and for every cart drawn by two oxen, nineteen cents, and six cents for every additional horse, mule or ox ; for every sleigh or sled, drawn

by two horses, mules or oxen, twelve and an half cents, and in like proportion if drawn by a greater or lesser number of horses, mules or oxen.

S E N E C A .

C H A P. LXXXIX.

C O N T E N T S .

1. Former Act, so much thereof as respects the Ascents of the Road, repealed.
2. Secretary authorised to prosecute for Fines and Forfeitures.

An ACT relating to the Seneca Turnpike Road Company.

Passed April 1st, 1802.

WHEREAS it hath been represented to the legislature, by the president of the said company, that it is impracticable to comply with so much of the first section of the act, entitled "An act to amend the act incorporating the Seneca Road Company," as respects the ascents of the said road : Therefore,

- 1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That so much of the said first section, as respects the ascents of the said road, shall be and hereby is repealed.*
- 2 II. *And be it further enacted, That the secretary of the said company, shall be and he hereby is empowered to sue for and recover all fines and forfeitures, incurred under the act incorporating the said company, in the name and for the use of the said company.*

T R O Y AND S C H E N E C T A D Y .

C H A P. XCV.

C O N T E N T S .

37. Accounts of expences, to be rendered to the Comptroller.
41. ——— Of Toll, a true and just account to be kept.
3. Bye-Laws and Ordinances, may from time to time be made.
6. Commissioners named, to receive Subscriptions.
- their duty in respect to Roads—See *Road*.
1. Company, Stile & corporate Rights.—39. 45. When dissolved.
14. Compensation to President and Directors, by whom allowed.
22. Damages, how ascertained, in case of disagreement.
42. DIVIDENDS.—10. INTEREST.—4. TRANSFERS.
7. Directors, nine, to manage the concerns of the Company.
13. ——— Vacancy in the office of Director, how supplied.
20. Ditches, on the sides of the Road, how made.
2. Estate, real, Company may hold to amount of 4000 dollars.

8. Election, anniversary day of.
9. ——— To be by ballot—Votes apportioned.
10. ——— How conducted.—11. When new election to be held.
28. Foot Passengers, Turnpikes to be kept free for their passage.
24. Gates, the erection of, to be licensed by the Governor.
- 21, 23. Lands, Company may purchase for making the road, &c.
31. Lists of Toll, to be posted up at each Gate.
30. Mile-Stones to be erected.
- 33, 35. Penalties against this act, how recovered.
12. President, how elected—President pro tem. may be chosen.
17. Road, by whom to be laid out—18. Expence thereof.
19. ——— Breadth thereof—how made, and of what Materials.
43. ——— When finished, Commissioners to view and report.
44. ——— Commissioners, from time to time to inspect, &c.
27. Schenectady City, Rights reserved to the Corporation thereof.
5. Stock, to consist of 350 Shares of 50 dollars each.
15. Stockholders, general meeting of, how called.
25. Toll, Rates of.—29. May be lessened, or exacted at one gate.
26. ——— Carriages loaded with wood, &c. exempted from.
- 1b. ——— Not to be exacted of persons passing to or from mill, &c.
34. Toll-Gatherers, penalties on, for misconduct.
36. ——— Powers granted to.
16. Treasurer, to give bond with security.
32. Trees, may be planted.—38. Expence of, part of the Stock.

An ACT for establishing a Turnpike Road from opposite the Village of Troy to the City of Schenectady.

Passed April 2d, 1802.

WHEREAS Ephraim Morgan, George Tibbits and Abraham Oothoudt and others, have entered into an association to form a company for making a turnpike road between the village of Troy and the city of Schenectady, and have prayed to be incorporated for that purpose : Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said Ephraim Morgan, George Tibbits and Abraham Oothoudt and their associates, are hereby constituted a body corporate and politic, by the name of "The President, Directors and Company of the Troy and Schenectady Turnpike;" and by that name shall have perpetual succession; sue and be sued, defend and be defended, in all actions and matters whatsoever; have a common seal, and change the same at pleasure; purchase, take, hold and convey any estate real or personal; Provided, That such real estate shall not, at the time of acquiring the same, exceed in value the sum of four thousand dollars; And provided further, That such estate shall be necessary to effect the object of the incorporation; that the president and directors of the said company shall and may have authority from time to time to pass such bye laws and ordinances for regulating the concerns of

the said company, the conduct and duty of their members, officers, agents and servants, the compensation to be granted to them respectively, the manner of making transfers of the stock of the said company, convening and holding their stated and other meetings, and all other matters relative to the said turnpike road, as to them shall seem proper, and as shall not be repugnant to the constitution and laws of this state or of the United States, and the same to repeal or amend at pleasure ; that the stock of the said company shall be deemed personal property and shall consist of three hundred and fifty shares of fifty dollars each, to be paid on the requisition of the president and directors, in such proportions, at such periods, and after such notice as they shall direct and appoint, upon pain of forfeiture of such shares and all previous payments, if such requisitions shall not be complied with in thirty days after the times respectively appointed for that purpose ; that for the purpose of receiving subscriptions of shares in the stock of the said company, Ephraim Morgan, George Tibbits and Abraham Oothoudt shall on or before the first day of May next, cause to be provided two books, one to be kept by the said Ephraim Morgan and George Tibbits, in the village of Troy, the other by the said Abraham Oothoudt, in the city of Schenectady, and in each of said books shall be entered the form of an engagement to be made and subscribed by the subscribers to the said stock, to pay such sums of money on each of their shares, in such manner and proportion, and at such time and place as shall or may be determined by the said president, directors and company ; and every subscriber shall, at the time of subscribing, pay unto the said Ephraim Morgan, George Tibbits and Abraham Oothoudt, or either of them, the sum of two dollars and fifty cents on each share subscribed by him : That the management of the concerns of the said company shall be entrusted to nine directors, who shall be stockholders, resident in the state of New-York, and who shall continue in office one year from the first Tuesday of January in every year : That there shall be an election on the Tuesday preceding every such first Tuesday of January, at such place in the village of Troy, and at such hour, as the president and directors shall appoint by byelaws by them from time to time to be made at any of their stated meetings, or by a notification by them to be made and published in one public newspaper printed in the said village of Troy, and in one public newspaper printed in the city of Schenectady, at least one week before such election-day : That all such elections shall be by ballot, by the stockholders present either in person or by proxy, such stockholders voting in the following proportions, that is to say : One vote for every share not exceeding twenty : *Provided*, That no stockholder shall have more than twenty votes : *And Provided also*, That no share shall confer a right of voting for directors at any such election, which shall not have been held at least three calendar months before the day of such election, by the person offering to vote therefor : That the stockholders present, immediately before the opening of such election, and after the hour appointed

for holding the same, shall, by a plurality of votes, choose three stockholders, then also present, inspectors of such election : That such inspectors shall receive the ballots, and immediately 10 after the election is closed, openly examine, count and estimate the votes, and shall thereupon make and subscribe a certificate of the result of such election, specifying the names of the persons so elected directors, and the names of such as have an equal number of votes for directors, if by means of such equality of votes the requisite number of directors shall not have been elected ; That if any two or more persons shall have an equal number of 11 votes for directors, so as that nine directors shall not have been elected at any such election, the stockholders shall thereupon at the same place proceed, in manner aforesaid, to elect of the persons who shall have had an equal number of votes as aforesaid, by plurality of votes, so many as shall complete the number of nine directors : That if such elections shall not be held at any of the days for that purpose appointed, it shall be lawful to proceed to such election on any other day by the directors to be appointed in like manner and with like effect as if the same had been held at the time above for that purpose appointed ; and the directors for the preceding year, shall in that case be incapable after such first Tuesday in January, of performing any act as directors, other than such as may be necessary to give such election effect : That the directors shall on the first Tuesday after any 12 such election, by plurality of votes, elect one of their number president, who shall in like manner hold his office for one year, or until the next election : That in case of the absence of such president, the directors present at any meeting may in like manner appoint a president for the meeting : That the president shall have a casting vote and no other : That in case of vacancy in the 13 office of director, by death, resignation or otherwise, other or others shall be elected by the stockholders, in manner aforesaid, to fill such vacancy, and for that purpose it shall be the duty of the president to call a meeting of the stockholders at such time and place, and upon such notice as shall be prescribed by the bye laws of the company : That Ephraim Morgan shall be the first president, and George Tibbits, Abraham Oothoudt, Derick Lane, Abraham Ten Eyck, Albert Pawling, John Bird, Silas Covil and Daniel Merritt, shall be the first directors of the said company ; and that they shall continue in office until the first Tuesday of January next.

II. *And be it further enacted*, That the stockholders of the said 14 company, may make such compensation to the president, for any extraordinary attendance, as shall appear to them reasonable ; but that neither the president nor any of the directors, shall be entitled to any emoluments, but such as shall have been allowed at a general meeting of the stockholders : That the president 15 and directors of the said company, shall be authorized to call a general meeting of the stockholders, for purposes relative to the institution, giving at least one week's notice thereof, in one public newspaper printed in the village of Troy, and in one public

newspaper printed in the city of Schenectady, if any such there be specifying the purposes of such meeting.

- 16 III. *And be it further enacted*, That the treasurer of the said company, before he enters on the duties of his office, shall give bond with two sufficient sureties, conditioned for the just and faithful execution of his office.

- IV. *And be it further enacted*, That the said turnpike road shall be four rods in breadth, and shall commence at or near the house now occupied by Annanias Platt, opposite the village of Troy, and shall be made in the most convenient and direct
17 route to Union-street, in the city of Schenectady : That the direction of the said turnpike road, shall be determined and marked out by three disinterested commissioners, to be appointed by the person administering the government of this state : And it shall be the duty of the said commissioners, to lay out the direction of such road without favour or partiality, according to the best of their judgment, so as to answer the object of this incorporation and secure the public interest ; and the said commissioners, shall cause an accurate map of the survey of such road, designating particularly the track and breadth thereof, to be made, and filed
18 in the clerk's office of the city and county of Albany, and the expences of surveying the said road, and making and recording such map, together with an allowance to the said commissioners, at the rate of three dollars per day for their services, shall be
19 paid by the said company : That the said road shall be made by bedding at least the breadth of twenty-six feet with stone or other hard substance, so as to make a solid foundation, and the same shall be covered with gravel or other hard substance, so as to
20 make the surface thereof firm and smooth ; and the ditches on the sides of the said road shall, where it may be practicable, be of a proper width and sufficiently level, to form a good road for sleighs.

- V. *And be it further enacted*, That the said president and directors, may contract and agree with the owners of said land, for the purchase of so much thereof, as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other works to the said road be-
21 longing ; and in case of disagreement between the said parties, respecting the damages to be done to the said land, or if the owner or owners shall be feme covert, insane or under age, or out of the county, then it shall and may be lawful for the said president and directors, to apply to one of the judges or assistant
22 justices of the court of common pleas in and for the county of Albany, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of any of the towns through which the said road shall pass, nor interested in said road ; and it shall be the duty of the said president and directors, to cause a copy of such appointment to be served on each of the said commissioners, who, or any two of them, shall thereupon

name a day for meeting on the said land, and performing the duties required of them by this act; and also to give notice in writing, to the owner or owners of such land of the said appointment, and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet, for the purpose of examining the lands and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid, or be absent; in either of which cases a copy of such notice may be left at the dwelling house of the party, if any, or other notorious place on the land through which said road shall pass: *And further*, Each of the said commissioners, before he proceed to exercise the trust reposed in him by this act, shall take and subscribe an oath or affirmation before one of the justices of the peace, in and for the said county, that he will without favour or partiality, estimate and assess the damages which may be sustained, by the owner or owners, or occupants of any lands or improvements, which the said corporation may deem necessary for the said road, and the commissioners shall then proceed to view the premises, and having determined the damages, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating particularly the quantity of land belonging to each person by them appraised, and the amount of damage, if any, which each or any of the owners or occupants of any parcel of land, used or to be used for said road, have sustained or shall sustain, which inquisition shall be acknowledged by the commissioners signing the same, before one of the judges aforesaid, and filed, together with the affidavit aforesaid, in the office of the clerk of the said county of Albany, who shall at the expence, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds; and the said corporation, paying to the said several owners of the said land, on demand, the several sums awarded by such inquisition, shall have and hold to them, their successors and assigns for ever, the lands and tenements described therein; and the president and directors aforesaid, shall pay to the judge who made the appointments of the said commissioners, two dollars for his services, and to each of the said commissioners, for every day necessarily attending the duties required of them by this act, two dollars and fifty cents: *Provided*, That nothing in this act contained, shall be construed to authorize the said president and directors, or any other person whatever, to enter upon such lands and thereupon make the said road, until they shall have paid the value of such lands, together with such damages as may be agreed upon or appraised, according to the provision of this act.

32

VI. *And be it further enacted*, That as soon as the said turnpike road shall be completed, and licence granted by the person administering the government of this state, as is herein after prescribed, it shall and may be lawful to and for the said president, directors and company to erect two gates on the same, and to exact at each of the said gates the tolls herein after mentioned, that is to say: For every score of sheep, five cents; for every score of hogs, five

24

25

cents ; for every score of cattle, horses or mules, twelve cents, and so in proportion for a greater or less number ; and for every horse and rider or led horse, four cents ; for every fulkey, chair or chaise, with one horse, twelve and an half cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage waggon, or other four wheeled carriage, drawn by two horses or oxen, ten cents, and two cents for every additional horse or ox ; for every cart, sleigh or sled, drawn by two oxen or horses, four cents, and for every additional horse or ox, two cents ; *Provided,*

- 26 That nothing in this act shall be construed to authorize the exaction of toll for any carriage loaded with an ordinary load of fire-wood, turf, fossil-coal or hay, or the horses, oxen or other animals drawing the same, or from any person or persons passing to or from public worship, or going to or from his ordinary business on his farm ; *And provided further,* That no toll-gate shall be erected within three miles from the point of the commencement or termination of the said road, as herein before designated and fixed ;
- 27 *And provided further,* That the mayor, aldermen and commonalty of the city of Schenectady, may whenever they shall deem it necessary for the convenience of the inhabitants of the said city of Schenectady, cause such part of the turnpike track as shall lay within the limits of the said city, to be pitched, levelled and paved, in such manner as to them shall seem proper, so as that the said president, directors and company be exempted from any expence incurred by means or such pitching, levelling or paving, or keeping such part thereof as may be paved in repair ; and that the said turnpike company shall not be permitted to alter the level so established by the said mayor, aldermen and commonalty.
- 28 VII. *And be it further enacted,* That the said president, directors and company, shall always keep in good order and repair one or more turnpikes for the passage of persons travelling on foot, at each of the said gates, through which all foot passengers shall at all times be permitted to pass freely without exacting toll therefor ;
- 29 and that it shall and may be lawful to and for the said president and directors, at any time, and for such time as in their discretion they may think proper, to diminish the said toll, or instead of two gates, to exact toll at only one gate ; *Provided,* The toll exacted at such one gate shall not exceed in amount the sum which they are in and by this act authorized to exact at the two gates.
- 30 VIII. *And be it further enacted,* That the said president and directors shall cause a mile-stone to be erected at the termination of each mile on said road, and the distance from the village of Troy
- 31 to be fairly and legibly marked thereon, and shall cause to be affixed to each gate, and to preserve the same in good condition, a printed or painted list of the tolls which may be lawfully demanded ; and that the said president, directors and company may at their discretion, at any time hereafter, cause trees to be planted on the sides of the said road, at such distance and so disposed as to them shall seem proper and convenient.
- 33 IX. *And be it further enacted,* That if any person or persons shall wilfully break or throw down or deface any mile-stone or

guide-posts erected on the said road for the information or convenience of the people of this state, or trees planted or growing thereon, or shall cut, break down or otherwise destroy any of the gates or turnpikes which shall be erected in pursuance of this act, every such person shall be liable to pay treble damages to the said president; directors and company, to be recovered in an action of trespass, with costs, by the said president, directors and company, in any court having cognizance thereof; that if any person shall forcibly pass any of the said gates without having paid the legal toll, every such person shall pay to the said president, directors and company, the sum of five dollars, to be recovered by them in manner aforesaid.

X. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, or shall be prescribed by the said president and directors, he shall for every such offence forfeit and pay the sum of five dollars, to be recovered by action of debt, by the person so unreasonably delayed, hindered or defrauded, before any justice of the peace of the county in which such offence shall have happened; and that if any person who shall use the turnpike road shall evade the payment of toll, by going round the toll-gate, he shall forfeit and pay fourfold the amount of the toll which he would have been liable to pay if he had passed through such gate with his horse or other animal or carriage, to be recovered in like manner, with costs. 34 35

XI. *And be it further enacted*, That any of the toll-gatherers may stop and detain the horses, cattle or carriages passing on the said road, until the persons on horseback or driving such cattle or carriages shall pay the toll legally due, or may distrain such horses, cattle or carriages, or any thing therewith being, or thereto appertaining, sufficient to satisfy such toll, which distress shall be kept by the toll-gatherer for the space of twenty-four hours, and as soon thereafter as may be, sold at public vendue, either in the village of Troy or city of Schenectady, to the highest bidder, rendering the surplus on demand, if any there be, after satisfying such toll and the costs of distress and sale, to the owner or owners thereof. 36

XII. *And be it further enacted*, That the said president, directors and company, shall cause regular books to be kept of their expenditures in purchasing land over which said turnpike road shall be laid out, in constructing and completing the same, and in repairing such parts thereof as shall have been injured or impaired, and of all costs, charges and expences, in any way relating to the same, and shall as soon as the same shall have been completed and inspected, in the manner herein after mentioned, exhibit an account thereof to the comptroller who shall examine and liquidate the same; that if at any time thereafter the said president, directors and company shall plant trees on either or both sides of the said road, within the space herein before limited and allowed for the breadth of the said road, or land to be occupied by the said 37 38

president, directors and company, as herein before provided, the expence of procuring, planting and preserving the same, shall in like manner be liquidated and added to, so as to compose part of
39 the aggregate expenditure of the said company ; and that when-
40 ever such sums, with fourteen per centum per annum on the same shall have been repaid to the stockholders, the corporation hereby created shall cease and determine.

41 XIII. *And be it further enacted*, That the president and direc-
tors shall keep a just and true account of the product of such toll,
and of the monies from time to time expended in the altering and
repairing the said road, and in the management of the concerns
42 thereof, and that they shall make regular half yearly dividends
of such product, previously deducting the amount of all such mo-
nies so expended in the repairing, altering and management of
the said road, and shall publish the same in one public newspaper
printed in the village of Troy, and in one public newspaper print-
ed in the city of Schenectady, if any such there be.

43 XIV. *And be it further enacted*, That as soon as the said turn-
pike road shall be completed, the said president and directors shall
notify the person administering the government of this state, who
shall thereupon appoint three persons to view the same, and re-
port to him whether such turnpike road is well and sufficiently
finished according to the true intent and meaning of this act ;
and if such persons, or any two of them, shall report that it is so
finished, then it shall be lawful for the person administering the
government of this state by licence under his hand and the privy
seal of the state, to authorize the said president, directors and com-
pany to fix gates on the said turnpike road.

44 XV. *And be it further enacted*, That three disinterested free-
holders shall be appointed by the governor and council of ap-
pointment, whose duty it shall be on complaint made and reason-
able grounds therefor, to examine the said road from time to
time, and whenever they shall find the same out of repair, to or-
der the toll-gates on such part of said road as shall be so out of
repair to be kept open, until it shall, in their opinion, be well and
sufficiently amended and repaired ; and that the said commis-
sioners shall have and receive, as a compensation for their servi-
ces, respectively the sum of two dollars for each day they shall
be necessarily engaged in viewing and inspecting the said road ;
Provided, Such viewing and inspection do not exceed two days
in any one month of the year ; which said compensation shall be
paid such commissioners by the said president, directors and com-
pany.

45 XVI. *And be it further enacted*, That if the said turnpike road
shall not be completed in the manner herein before prescribed
within five years from the passing of this act, then this act shall
cease and be void, and the property acquired, in land and im-
provements made on such turnpike road by the said president,
directors and company, shall vest in the people of this state.

HUDSON AND LIVINGSTON.

C H A P XCVI.

CONTENTS.

30. Accounts how kept—32. To be lodged with the Comptroller.
3. Commissioners to receive subscriptions—5. and notify election.
1. Company, stile and corporate rights.—35, 37. When dissolved.
18. Damages, how appraised, in case of disagreement.
6. Directors, seven to be chosen.—8. Five a quorum.
10. ——— Powers granted to, in conjunction with the President.
31. DIVIDENDS, when made.—36. INTEREST, Rate of.
7. Election, anniversary day of.
11. ——— May be by proxy—Votes apportioned.
2. Estate, real, Company may hold to 2000 dollars value.
34. Funds, if insufficient, 5 dollars may be added to each share.
20. Gates, the erection of, to be licensed by the Governor.
- 15, 16. Lands, Company may enter upon and take, for said road.
17. ——— Directors paying the value of said land and damages.
25. Mile-Stones and Guide-Posts, to be erected.
39. Old Road, Company not authorized to stop or obstruct.
27. Penalties for breaches against this act.
9. President, to be elected.—12. President pro tem. may be chosen.
14. Road, by whom to be laid out—Map thereof to be filed.
19. ——— and Ditches, how to be constructed and made.
20. ——— When finished, Commissioners to view and report.
38. ——— Commissioners from time to time to inspect.
4. Shares, value thereof.—13. Number limited.—29. Transferable.
33. ——— Forfeited, if Instalments are not paid as required.
21. Toll-Gatherers to be appointed.—23. Powers.—28. Penalties.
22. Toll, Rates of.—26. Lists of, affixed at the gates.
24. ——— Persons going to Church, Mill, &c. &c. not to pay.

An ACT for establishing a Turnpike Corporation for improving and making a Road from a Place near the House of Fite Miller, in the Town of Livingston, to the City of Hudson.

Passed April 2d, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Reuben Folger, Alexander Coffin, John Hathaway, James Hyatt and Thomas Jenkins, and all such others as shall associate for the purpose of making a good and sufficient road, to run in the most direct and convenient route, as far as circumstances will admit, from a place near the house of Fite Miller, in the town of Livingston, to the city of Hudson, their successors and assigns, be and they are hereby created and made a body corporate and politic, by the name of the "President, Directors and Company of the Hudson Branch Turnpike Road;" and they are hereby ordained, constituted and de-

clared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and they and their successors, by the same name and stile, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use
2 of the said corporation : *Provided*, That the amount of such real estate, which the said corporation are hereby authorized to purchase and hold, shall not exceed at the time of purchasing the same, two thousand dollars : *And provided further*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation and to no other purpose whatsoever.

- 3 11. *And be it further enacted*, That Reuben Folger, Alexander Coffin and John Hathaway, be and they hereby are appointed commissioners, to do and perform the several duties herein after mentioned, that is to say : They shall on or before the first day of June next, procure three books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for
4 ourselves and our legal representatives, promise to pay to the president, directors and company of the Hudson branch turnpike road, the sum of twenty-five dollars, for every share of stock in said company, set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors and company." One of each books shall be left with each of the said commissioners, at their respective places of abode, who shall immediately open the same and keep the same open for the purpose of receiving subscriptions ; and every subscriber shall at the time of sub-
5 scribing pay unto either of the said commissioners, two dollars and fifty cents for each share so by him subscribed ; and the said commissioners shall as soon as five hundred shares are subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Hudson, giving at least ten days notice of the time and place when and where the same subscribers
6 shall meet to choose seven directors, who shall be stockholders, for the purpose of managing the concerns of the company for one year ; and the said directors shall be chosen by ballot, by the
7 stockholders then present ; and the day of choosing said directors shall for ever thereafter be the anniversary day for choosing
8 said directors ; and any five of said directors shall be a quorum, and capable of transacting the business of the said corporation ; and every act of a majority of the directors so met, shall be binding on the said corporation ; and the said directors, elected by a
9 plurality of the stockholders present, shall immediately proceed
10 to elect by ballot, one of their number for president ; and the said president and directors may meet from time to time at such places as they may find expedient and direct, and they shall have

power to make such bye laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as they shall deem necessary for the well ordering the affairs of the said corporation; *Provided*, That at the election of directors, the stockholders not present may vote by proxy for directors, and each stockholder shall be entitled to one vote for every share he shall hold under the number of ten shares, and one additional vote for every ten shares he shall hold above the number of ten shares.

III. *And be it further enacted*, That in case of the death, absence or inability of the president, a quorum of the directors met may choose or appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation in like manner as if the president were present with them.

IV. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall have been eight hundred shares subscribed, and shall have power to appoint such officers, agents, clerks, artists, workmen and others under them, as shall be necessary for executing the business of the said corporation.

V. *And be it further enacted*, That the said corporation, by three commissioners not interested in the turnpike, who shall be nominated and appointed by the person administering the government of this state for the time being; and whose duty it shall be to lay out such road according to the best of their judgment and understanding, without favour or partiality, in such manner that the object of the corporation and the general interests of the public shall be in the best manner effected; and whose duty it shall be also to deposit and cause to be recorded in the office of the clerk of the county, through which such road shall pass, an accurate map of the survey of the same, designating the several particular points through which it shall pass; which commissioners, for their services as aforesaid, shall be allowed at the rate of two dollars per day, to be paid, together with the expence of surveying and recording said map, by the corporation; may enter into and upon any land where they shall deem it proper to construct the said road, and to lay out and survey such tracts or routes as shall be thought most practicable for making a good and sufficient road between the places aforesaid.

VI. *And be it further enacted*, That it shall and may be lawful for the said president and directors, after the track of the said road shall have been designated as aforesaid, to enter upon and take possession of such quantity of improved or unimproved land, as shall be necessary for making the said road, the said president, directors and company, paying to the owners of the land such value and damages as shall be agreed upon, or in case of disagreement, as shall be assessed by two justices of the peace, and by the oaths of six respectable and disinterested freeholders, who shall be summoned by the sheriff of the county in which such land may be, by virtue of a warrant to be issued by the said justices for that purpose, the right and title to which said land so entered upon,

and paid for as aforesaid, shall thereafter be vested in the said president, directors and company.

19 VII. *And be it further enacted*, That the president, directors and company, shall cause a road to be laid out four rods wide, and which shall be thirty-three feet between the ditches on each side thereof, twenty-eight feet whereof shall be bedded with stone or gravel, well compacted together, one foot in thickness; and the said road shall be faced with gravel or other hard substance six inches deep in such manner as to secure a firm, and as near as the materials will admit, an even surface, rising towards the middle by a gradual arch, and where it may be practicable the ditches shall be so constructed as to admit sleighs to go in them with safety.

20 VIII. *And be it further enacted*, That as soon as the president, directors and company, shall have completed the said road, it shall be lawful for the said president and directors, to give notice to the governor of this state for the time being, who shall thereupon forthwith nominate and appoint three commissioners, to view the same and report to him in writing, whether such part of said road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report shall be in the affirmative, then it shall be the duty of the governor, to whom they report, and he is hereby required, by licence under his hand and the privy seal of the state, to permit the said president and directors, to erect and fix two gates and turnpikes upon and across said road, to collect the duties and tolls herein after granted to the said corporation, from all persons travelling on or using the same.

21 IX. *And be it further enacted*, That as soon as the said road shall be completed, and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, at either of the said gates, the tolls and duties hereinafter mentioned, and no more, that is to say: For every score of sheep or hogs, four cents; for every score of cattle, horses or mules, nine cents; for every horse and rider, led or driven horse, two and a half cents; for every fulkey, chair or chaise with one horse, six cents; for every cart drawn by one horse, three cents; for every chariot, coach, coachee or phaeton, twelve and a half cents; for every stage waggon or other four wheeled carriage drawn by two horses, mules or oxen, six cents, and two cents for every additional horse, mule or ox; for every cart drawn by two oxen, six cents, for every additional horse or ox, two cents; for every sleigh or sled, two cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or less number of horses or oxen: And it shall be lawful for any of the toll-gatherers to stop and detain any person riding, leading or driving any horse, cattle, sheep or hogs, fulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the turnpike gates, until they shall respectively have paid

22 the toll as above specified: *Provided*, That nothing in this act shall

23 be construed to entitle the said corporation to demand toll of or

24

from any person passing to or from public worship, his farm, a funeral, to or from a grist-mill for the grinding of his grain for his family's use, or to or from a blacksmith's shop to which he usually resorts.

X. *And be it further enacted*, That the said corporation shall 25
cause mile-stones to be erected, one for each mile of the said road, and on each stone shall be fairly and legibly inscribed or marked the distance the said stone is from the court house of the city of Hudson; and shall also erect guide-posts at the intersection of all public roads leading into or from the said turnpike road, on which shall be inscribed the name of the town in which such post stands, and also the name of the town or towns to which such intersecting road leads, in the direction to which the hand on the same points: And the said corporation shall cause to be affixed 26
at or over each gate or turnpike, a printed list of the rates of toll which may be lawfully demanded.

XI. *And be it further enacted*, That if any person or persons 27
shall break or throw down, deface or injure any of the mile-stones or guide-posts, so to be erected, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall forcibly pass any or either of said gates, without having previously paid the legal toll, such person or persons shall for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of the said corporation to their use, in an action of debt, with costs of suit, in any court having cognizance of the same; and if any person or persons shall with his team or teams, carriage or horse, turn out of the said road to pass any or either of the gates, on ground adjacent thereto, and again enter on said road, having passed the said gate or gates to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit.

XII. *And be it further enacted*, That if any toll-gatherer shall 28
unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay twenty-five dollars, to be recovered for the use of the person so unreasonably hindered or detained.

XIII. *And be it further enacted*, That the shares in the said turn- 29
pike road, shall be deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.

XIV. *And be it further enacted*, That the said president and di- 30
rectors of the said corporation, shall keep a just and fair account of all the monies received or to be received by the several collectors of toll on said road; and shall make and declare a dividend of 31
the clear profits and income, all contingent costs and charges being first deducted, among the stockholders of the said corporation, on the first Tuesdays of January and July in every year; shall publish the half yearly dividend of the clear profits to be made

among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

32 XV. *And be it further enacted*, That the said president and directors, shall within six months after the said road shall be completed, lodge in the comptroller's office of this state, an account of the expences thereof ; and the corporation shall annually exhibit to the comptroller, a true account of the dividend arising from said toll, with the annual disbursements.

33 XVI. *And be it further enacted*, That it shall and may be lawful for the said president and directors, to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all the previous payments thereon to the said president, directors and company.

34 XVII. *And be it further enacted*, That after the amount of the said number of eight hundred shares, mentioned in and by the fourth section of this act, shall have been appropriated by the said president, directors and company, for the purpose of making a good and sufficient road between the places aforesaid ; and the sum so appropriated, shall be found insufficient to effect the purposes aforesaid ; it shall and may be lawful for the said president and directors, in order to complete the said road, to increase or raise the funds of said corporation, by adding a sum not exceeding five dollars, to each and every share in the whole stock ; which sum so to be added shall be in equal rates upon each and every share, to be collected and paid in manner aforesaid, subject on default of payment to the pains and forfeitures aforesaid.

35 XVIII. *And be it further enacted*, That the legislature may dissolve the said corporation, when the income arising from the said toll, shall have fully paid and compensated the said corporation, for all monies they may have expended in purchasing, making, repairing and taking care of the said road, together with
36 an interest thereon of fourteen per cent per annum, and thereupon the right, interest and property of said corporation, in the road aforesaid, shall be vested in the people of this state, and be and remain at their disposal ; *Provided*, That if the said corporation shall not commence their operations within two years after the passing of this act, and shall not within six years afterwards complete the same, according to the true intent and meaning thereof, then and in either case this act shall cease and be void and of no effect.

38 XIX. *And be it further enacted*, That three disinterested freeholders, shall be appointed by the governor and council of appointment, whose duty it shall be to examine the said road from time to time, and whenever they shall find the same out of repair, to order the toll-gate on such part of said road to be kept open, until it shall in their opinion be well and sufficiently amended and repaired ; and that the said commissioners shall have and receive as a compensation for their services respectively the sum of two

dollars for each day they shall be necessarily engaged in viewing and inspecting said road; *Provided*, Such viewing and inspection, do not exceed two days in any one month of the year, which said compensation shall be paid to such commissioners by the said president, directors and company.

XX. *And be it further enacted*, That nothing in this act contained, shall authorise the said president, directors and company, to stop up or obstruct the old road or roads between the house of Fite Miller aforesaid and the city of Hudson. 39

U L S T E R A N D D E L A W A R E.

C H A P. XCVIII.

C O N T E N T S.

31. ACCOUNTS—32. DIVIDENDS—37. INTEREST—29. TRANSFERS.

33. ——— To be rendered to the Comptroller.

20. Bridge, over Esopus-creek, when toll may be taken for passing.

1. Company, Stile and corporate Rights.—36. When dissolved.

3. Commissioners, to receive subscriptions—5. and notify election.

13, 38 to 41. ——— Their duty with respect to roads, monies, &c.

15. Damages, in case of disagreement, how ascertained.

6. Directors, thirteen, to be chosen by ballot.

9. ——— and President, powers and authorities granted to.

7. Election, anniversary day of.

10. ——— May be by Proxy—Votes apportioned.

2. Estate, real, Company may hold to a certain amount.

19. Gates, the erection thereof to be licensed by the Governor.

30. ——— One or more, may be removed.

14. Lands, Directors may contract with the owners for.

16. ——— Not to be entered on till the value be paid or tendered.

17. Materials, not to be taken until agreed for with the owner.

25. Mile-Stones and Guide-Posts, to be erected.

27. Penalties against this Act, amount thereof, and how recovered.

8. President how elected.—11. President pro tem. may be chosen.

13. Road, by whom to be laid out—Map thereof to be filed.

18. ——— Dimensions and construction thereof, and Ditches.

4. Shares, 25 dollars each.—12. Number not to exceed 5000.

34. ——— Payments on, to be made on requisition of the Directors.

35. Stock, if insufficient, the amount may be encreased.

21. Toll-Gatherers.—23. Powers to—28. and Penalties on.

22. Toll, Rates of.—30. May be lessened.—*See Bridge.*

24. ——— Who excused from paying.

26. ——— Lists of, to be affixed at the Gates.

An ACT to establish a Turnpike Corporation for improving and making a Road from the West Line of the Town of Salisbury, in the State of Connecticut, to the Susquehannah-River, at or near the Town of Jericho.

Passed April 2d, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly; That Edward Livingston, John

Atkinson, Thomas Tillotson, William Cockburn, Jonathan Hasbrouck, Frederick A. De Zeng, Joshua Pine, junior, Philip I. Schuyler, David Van Nels, Ebenezer Dibble and John Radcliff, and such other persons as shall associate for the purpose of making a good and sufficient road, to run in the nearest, most convenient and direct route, as far as circumstances will admit, from the west line of the town of Salisbury, in the state of Connecticut, commencing at or near the house of the late Alexander Spencer, deceased, in the town of Northeast, in Dutchess county; thence by the pine plains, in said town, to the ferry of John Radcliff and Moses Cantine, over the Hudson's river, to the village of Kingston, in the county of Ulster, and from the village of Kingston, by the nearest and most practicable route through the town of Walton, in the county of Delaware, to the Susquehannah-river, at or near the town of Jericho their successors and assigns, be and they hereby are created a body corporate and politic, by the name of

1 "The President, Directors and Company, of the Ulster and Delaware Turnpike Road," and they are hereby ordained, constituted and declared to be a body corporate and politic in fact and in name; and by that name they and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors, by the same name and stile, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use of the said corporation; and also of purchasing, holding and conveying the ferry or right of ferriage across Hudson's river, now owned and possessed by John Radcliff and Moses Cantine, together with all the rights and privileges thereto belonging, and subject to the same regulations and tolls, as are allowed and prescribed in the original grants thereof, and as the same is now held and enjoyed by them; which ferry shall be considered as part of the stock

2 of the said corporation; *Provided*, that the amount of such real estate, which the said corporation are hereby authorized to purchase and hold, shall not, besides the said ferry, exceed twenty thousand dollars: *And provided further*, That such estate, as well real as personal, so to be purchased and held, except the said ferry, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

3. II. *And be it further enacted*, That Edward Livingston, Thomas Tillotson, Jonathan Hasbrouck, Joshua Pine, junior, Philip I. Schuyler, Cromlein Verplank and John Radcliff, be and they are hereby appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: They shall on or before the first day of May next, procure eight books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company, of the Ulster and
- 4 Delaware turnpike road, the sum of twenty-five dollars, for every

share of stock in the said company, set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company." One of which books shall be left with each of the said commissioners, at their respective places of abode, who shall immediately open the same, and keep the same open for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners, three dollars for each share so by him subscribed; and the said commissioners shall, as soon as five hundred shares are subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of New-York, and also in the papers printed in the counties of Dutchess and Ulster, giving at least ten days notice of the time and place, when and where the said subscribers shall meet to choose thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the company for one year; and the said directors shall be chosen by ballot, by the stockholders then present; and the day of choosing the said directors, shall for ever thereafter be the anniversary day for choosing directors; and any seven of the said directors shall be a quorum, and capable of transacting the business of the said corporation; and any act of a majority of the directors so met, shall be binding on the said corporation; and the said directors, elected by a plurality of the stockholders present, shall immediately proceed to elect by ballot, one of their number for president; and the said president and directors may meet from time to time at such place as they may find expedient and direct; and they shall have power to make such bye laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as they shall deem necessary, for the well ordering the affairs of the said corporation; *Provided*, That at the election of directors, the stockholders not present may vote by proxy for directors; and each stockholder shall be entitled to one vote for every share he shall hold under the number of ten shares, and one additional vote for every ten shares he shall hold above the number of ten shares.

III. *And be it further enacted*, That in case of the death, absence or inability of the president, a quorum of the directors met may choose or appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation in like manner as if the president was present.

IV. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall have been five thousand shares subscribed, and shall have power to appoint such officers, agents, clerks, artists, workmen and others under them, as shall be necessary for executing the business of the said corporation.

V. *And be it further enacted*, That three commissioners not interested in the turnpike, who shall be nominated and appointed by the governor and council of appointment, shall lay out such road according to the best of their judgment and understanding,

in such manner as that the object of corporation and the general interest of the public shall be in the best manner effected, without favour or partiality, but to conform to the directions of this act where it may be practicable ; and it shall be the duty of the commissioners so appointed, to deposit in the office of the clerk of the county through which such road shall pass, an accurate map of the survey of the same, designating the several particular points through which the said road shall pass ; and that the commissioners for such services shall be allowed at the rate of two dollars per day each, which together with the expence of surveying the road and recording the survey, shall be paid by the corporation ; and the said commissioners may enter into and upon any land, where they shall deem it proper to construct the said road, and to lay out and survey such tracts or routes as shall be deemed most practicable for making a good and sufficient road between the

14 places aforesaid ; and the said president and directors may contract and agree with the owners of the said land, for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses,

15 and other works to the said road belonging ; and in case of disagreement between the said parties with respect to the value of the land so as aforesaid to be laid out, and the damages, if any, to be done to the said land, or if the owner or owners shall be feme covert, insane, under age or out of the country, then and in such case, it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas, in and for the county where such land shall be situated, not interested in said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of any of the towns through which the said road shall pass, nor interested in the said road or the lands to be appraised as herein after directed ; the time and place of making which application at least four days previous notice in writing shall be given by the said president and directors to the owner or owners of the said land ; and it shall be the duty of the said president and directors to give notice to the said commissioners of their appointment, who or any two of them, shall thereupon name a day for meeting on the land, and performing the duties required of them by this act, which day shall not be more than ten nor less than four days from such notice of their appointment ; and the said president and directors shall give at least four days notice in writing to the owner or owners of such land, of the time when, and the place where the said commissioners will meet for the purpose of viewing the land, and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid, or be absent ; in either of which cases, a copy of such notice may be left at the dwelling house, if any, of the party, or other notorious place on the land through which the said road shall pass ; And further, Each of the said commissioners shall before he proceed to exercise the trust reposed in him by this act, take and subscribe an oath in writing before one of the justices of the peace

in and for the county where he shall be so appointed, that he will without favour or partiality estimate and assess the damages which may be sustained by the owner or owners of the land or improvements, which the said corporation may deem necessary to take and appropriate for said road; and the said commissioners shall then proceed to view the premises; and having ascertained and determined the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the lands and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for such road, have sustained or will sustain, which inquisition shall be acknowledged by the commissioners signing the same, before one of the judges aforesaid, and then filed, together with the affidavit aforesaid, in the office of the clerk of the county in which such lands shall be situated, within thirty days after such view shall be had and made by the said commissioners, and the said clerk shall at the expence and costs of the said president, directors and company, enter the same of record in the book kept by him for recording of deeds; and the president and directors aforesaid paying to the said several owners of the said land, the several sums so assessed and awarded by the said inquisition, shall and may have and hold to them, their successors and assigns for ever, the lands and tenements described therein; *Provided*, That nothing in this act contained, shall be construed to authorise the said president and directors, to enter upon such land and thereon make the said road, until they shall have paid or tendered the value of such land, together with such damages as may be agreed upon or appraised according to the provisions of this act: *And provided also*, That nothing in this act shall be construed to authorise the said president and directors to make said road through any garden, without the consent of the owner, if such garden shall have been cultivated as such at least ten years before such road shall be laid out; and the said president and directors shall pay to the judge or assistant justice who appointed the commissioners as aforesaid, one dollar and fifty cents for his services, and to each of the said commissioners for every day necessarily attending to perform the duties required of them by this act, two dollars and fifty cents.

VI. *And be it further enacted*, That it shall not be lawful for the said president, directors and company, to enter into the lands of any citizen, for the purpose of procuring materials to make said road, without having first agreed with the owner thereof for the purchase of the same.

VII. *And be it further enacted*, That the president, directors and company shall cause the said road to be laid out four rods wide, which shall be thirty-three feet between the ditches, and the said ditches to be smooth and of sufficient width for a good sleigh road, whenever the same is practicable, twenty-eight feet of which shall be bedded with stone or other hard substance well compacted together; and the said road shall be covered with gravel or other hard substance, so as to make the same smooth.

- 19 VIII. *And be it further enacted*, That as soon as the president, directors and company shall have completed the said road, or ten miles thereof, it shall be lawful for the said president and directors to give notice to the person administering the government of this state, who shall thereupon forthwith nominate and appoint three commissioners to view the same, and report to him in writing, whether such part of said road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report shall be in the affirmative, then it shall be the duty of the person administering the government of this state, by licence under his hand and the privy seal of this state, to permit the said president and directors to erect and fix so many gates and turnpikes, upon and across said road, as will be necessary and sufficient to collect the duties and tolls, herein after granted to the said corporation, from all persons travelling on, or using the same: *Provided*, That the first gate or turnpike on the west side of the Hudson-river shall not be less than five miles from the same.
- 20 IX. *And be it further enacted*, That as soon as the said president, directors and company shall have completed the bridge over the Esopus-creek, where the said road shall pass the same, it shall and may be lawful for the said president, directors and company to erect a gate and turnpike upon and across said bridge, and to ask, demand and receive, of and from all and every person and persons, who shall pass over and use the same, one third of the tolls and duties as herein after granted to said corporation, for every ten miles of said road: *Provided always*, That in case the inhabitants of the town of Kingston, in the county of Ulster, shall within two years after the passing of this act, put the bridge which is across the above mentioned creek, near said town, at their own expence, (excepting two hundred and fifty dollars, which shall be contributed by the president, directors and company aforesaid for that purpose) in such repair, and widen the same in such a manner, as shall be adjudged sufficient by the commissioners appointed to examine the said road, whose duty it shall be to examine the said bridge, then, and in such case, the same shall remain a free bridge, and shall thereafter be kept in repair by the president, directors and company aforesaid.
- 21 X. *And be it further enacted*, That as soon as the whole or any part of the said road shall be completed, and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, at either of the said gates, the tolls and duties herein after mentioned, and
- 22 no more, that is to say: Any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, or for any greater or less number of sheep, hogs, cattle, horses or mules, as follows: For every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, twenty cents; for every horse and ri-

der, led or driven horse, five cents ; for every fulkey, chair or chaise with one horse, twelve and an half cents ; for every cart drawn by one horse, six cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage waggon or other four-wheeled carriage drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox ; for every cart drawn by two oxen, twelve and an half cents, for every additional horse or ox, three cents ; for every sleigh or sled, six cents, if drawn by two horses or oxen, and in like proportion if drawn by greater or less number of horses or oxen : And it shall be lawful for any of the toll-gatherers to stop and 25 detain any person riding, leading or driving any horse, cattle, sheep or hogs, fulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burden or pleasure, from passing through the turnpikes or gates, until they shall respectively have paid the toll as above specified : *Provided*, That nothing in this act shall 24 be construed to entitle the said corporation to demand toll of or from any person passing to or from public worship, going to or from a funeral, going to or from a grist mill for the grinding of his grain for his family's use, or to or from his common business on his farm or saw-mill, to or from his blacksmith or weaver, or any tradesman whatsoever, or of or from any inhabitant of the town of Kingston, in the county of Ulster, going to or returning from the commons of said town for the purpose of drawing wood or stone for his own use.

XI. *And be it further enacted*, That the said corporation shall 25 cause mile-stones to be erected, one for each mile of the said road, and on each stone shall be fairly and legibly inscribed or marked the distance the said stone is from the said ferry of Moses Cantine, and shall also erect guide-posts at the intersection of all public roads leading into or from the said turnpike, on which shall be inscribed the name of the town in which such post stands, and also the name of the town or towns to which such intersecting road leads, in the direction to which the hand on the same points : And the said corporation shall cause to be affixed at or over each 26 gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

XII. *And be it further enacted*, That if any person shall break 27 or throw down, deface or injure any of the mile-stones or guide-posts so to be erected for the information of travellers, or shall dig up and attempt to spoil any part of said road, or shall cut, break down or destroy any, or any part, of the gates or turnpikes, or other works belonging to the said road, which shall be made or erected in pursuance of this act, or shall forcibly pass any or either of the said gates or turnpikes without having paid the legal toll at each gate or turnpike, such person shall, for every such offence or injury, forfeit the sum of twenty-five dollars, to be recovered by the treasurer of the said corporation, to their use, in an action of debt, with costs of suit, in any court having cognizance of the same ; and if any person shall with his team, carriage or horse, turn out of the said road, to pass any of the gates

on ground adjacent thereto, and again enter on said road, having passed the said gate to avoid the payment of the toll due by this act, such person shall forfeit the sum of five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit.

28 XIII. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay twenty-five dollars, to be recovered by and for the use of the person so unreasonably hindered or detained.

29 XIV. *And be it further enacted*, That the shares in the said turnpike road shall be deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.

30 XV. *And be it further enacted*, That it shall and may be lawful for the said president and directors, at any time after the completion of the said road, to lessen the rate of toll or duties, or to take away one or more of the gates and turnpikes; *Provided*, Two-thirds of the stockholders shall agree thereto.

31 XVI. *And be it further enacted*, That the president and directors of the said corporation, shall keep a just and fair account of all the monies received or to be received by the several collectors
32 of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among the stockholders of the said corporation, on the first Tuesday of January and July in every year, shall publish the half yearly dividend of the clear profits, to be made among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

33 XVII. *And be it further enacted*, That the said president and directors shall within six months after the said road shall be completed, lodge in the comptroller's office of this state, an account of the expences thereof, and of the said bridge, together with the costs of the said ferry; and the corporation shall annually exhibit to the comptroller a true account of the dividend arising from said toll, with the annual disbursements.

34 XVIII. *And be it further enacted*, That it shall and may be lawful for said president and directors to call and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all the previous payments thereon, to the said president, directors and company.

35 XIX. *And be it further enacted*, That after the amount of the said number of five thousand shares, mentioned in and by the fourth section of this act, shall have been appropriated by the said president, directors and company, for the purpose of making a good and sufficient road between the places aforesaid, and the sum so appropriated shall be found insufficient to effect the purposes aforesaid, it shall and may be lawful for the said president

and directors, in order to complete the said road, bridge and turnpike, to increase or raise the funds of the said corporation by adding a sum not exceeding five dollars, to each and every share in the whole stock; which sum, so to be added, shall be in an equal ratio upon each and every share, to be collected and paid in manner aforesaid; subject on default of payment, to the pains and forfeitures aforesaid.

XX. *And be it further enacted*, That the legislature may dissolve the said corporation, when the income arising from the said toll shall have fully paid and compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of the said road and bridge, and the cost and expences of the ferry aforesaid, together with an interest thereon of fourteen per centum per annum, and thereupon, the right, interest and property of said road and bridge, shall be vested in the people of this state, and be and remain at their disposal: *Provided*, That if the said corporation shall not commence their operations within two years after the passing of this act, and shall not within eight years afterwards complete the same, according to the true intent and meaning of this act, then and in either case this act shall cease and be void.

XXI. *And be it further enacted*, That the said commissioners to be appointed to lay out said road, shall when they lay out the same, estimate and certify under their hands, how much of the money granted in and by virtue of the act, entitled "An act for improving the road from Wattles's ferry on the Susquehanna, to the town of Kingston, in the county of Ulster," passed 24th March, 1801; and also of the money subscribed by the inhabitants in and about the town of Kingston, has been advantageously expended for the benefit of said turnpike road, so to be laid out as aforesaid, and shall make and deliver one copy of such certificate to each of the boards of commissioners herein after named.

XXII. *And be it further enacted*, That the said president, directors and company shall pay in lieu of the monies so as aforesaid to be certified to have been expended in the manner aforesaid, one hundred dollars to Levi Baxter, Ichabod Brownson and Eraustus Root, who are hereby appointed commissioners to lay out and expend said sum of money in cutting out and improving a road from the court house in the county of Delaware, to the town of Franklin in said county.

XXIII. *And be it further enacted*, That the said president, directors and company shall pay the residue of said sum of money so to be certified to Moses Cantine, jun. Benjamin I. Hornbeck and John Tremper, who are hereby appointed commissioners to lay out and expend said residue of said sum of money, so to be certified, in laying out, altering and improving the road from the house of Johannis Hornbeck, in the town of Rochester, in the county of Ulster, through Lahawack, to the Neverlink-creek, and from thence at or near Westfield, to the Delaware-river.

41 XXIV. *And be it further enacted*, That the two last mentioned boards of commissioners shall respectively, when and as often as thereunto required, account with the board of supervisors within the respective counties, for the expenditure of the monies hereby entrusted to their care.

XXV. *And be it further enacted*, That this act shall be, and the same is hereby declared to be a public act.

N O R T H E R N—F I R S T C O M P A N Y.

C H A P. CII.

C O N T E N T S.

3. Bridge over Hosick-river, when finished, gate may be erected.
6. Lands, damages for, to be paid—Value how determined.
8. Materials not to be taken without consent of owner.
1. Road, additional, Directors authorised to make.
2. ——— When finished, may receive toll therefor.
5. ——— Commissioners to lay out, and file a Map thereof.
7. ——— Breadth, construction thereof, and ditches.
9. ——— Commissioners from time to time to examine, &c.
4. Stock, may be increased to 2000 shares.

An ACT supplementary to the Act, entitled "An Act to establish a Turnpike Corporation for improving the Road from the Village of Lansingburgh, through Cambridge and Salem, to the House now occupied by Hezekiah Leavins, in the Town of Granville, and also from the House of John Faulkner, junior, in Salem, to the Line of Rupert, in the State of Vermont, near the House of William Brown," Passed first April, 1799.

Passed April 3d, 1802.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the company known by the name of the "President, Directors and First Company, of the Northern Turnpike Road," shall and hereby is authorised to make a good and sufficient road, beginning at Snyder's creek, where the said northern turnpike shall intersect the said creek, and from thence by Jonathan Yates's tavern, in Pittstown, on a direction as parallel with the Sinkoicke road as the shape of the land and the conveniency of the inhabitants will admit, to the Hosick-river, at or near the place where Fonda's bridge was erected, keeping to the northward of Abraham Lake's house, on as direct a course by Jacob Merrit's store to the Vermont line, as the said president, directors and first company of the northern turnpike road may deem necessary.

2. *And be it further enacted*, That the said president, directors and company, of the first northern turnpike road, shall, for the additional road hereby authorised, have and receive the same rates of toll, as is allowed them in and by the act whereby they were incorporated, and be entitled to the privileges and authorities,

and be subject to the same limitation in the said act contained, as far as is consistent with the regulations, restrictions and provisions herein after prescribed.

III. *And be it further enacted*, That as soon as the said president, directors and company, shall erect a bridge across Hosick-river, at or near the place where Fonda's bridge formerly stood, then and in such case it shall be lawful for the said company to erect a gate thereon, and demand and receive the same toll, as they are authorized to demand and receive from persons passing through the gates on the said turnpike road for ten miles of the same. 3

IV. *And whereas*, The said president and directors have by their petition represented to the legislature, that the present stock of the said company, is insufficient to complete the turnpike as the law directs, without an additional stock, and have prayed the aid of the legislature in the premises : Therefore, *Be it further enacted*, That it shall be lawful for the president, directors and company of the first northern turnpike, to receive subscriptions to the stock of said company, until the whole number of shares shall amount to two thousand, in order that they may be enabled to complete the road, directed to be improved by this act, which shares shall together form the capital stock of the said company. 4

V. *And be it further enacted*, That it shall be the duty of the governor and council of appointment, to appoint three commissioners, not interested in the said road, whose duty it shall be to lay out such road according to the best of their judgment and understanding, in such manner as that the object of the corporation, and the general interest of the public shall be in the best manner effected, without favour or partiality, but to conform to the directions of this act where it may be practicable ; and that it shall be the duty of the commissioners, so to be appointed, to deposit in the office of the clerk of the county, through which said road shall pass, an accurate map of the survey of the same, designating the several particular points through which the said road shall pass ; and that the commissioners for such services, shall be allowed at the rate of two dollars per day, which, together with the expences of surveying the road and recording the survey, shall be paid by the corporation. 5

VI. *And be it further enacted*, That if the aforesaid road shall be laid through any inclosed or improved or timber lands, the owner or owners thereof shall be paid such damages, as such owner or owners may sustain by reason thereof ; which damages shall be determined and assessed, by two justices of the peace and six reputable freeholders on oath, not having an interest in the land so laid out into a road as aforesaid ; and the said freeholders shall be summoned by the sheriff of the county, in which such road shall be laid out, by virtue of a warrant to be issued by the said two justices of the peace for that purpose ; and the whole of the said damages, together with the charges of summoning the jury, shall be paid by the said corporation. 6

- 7 VII. *And be it further enacted*, That the road to be laid out by virtue of this act, shall be made thirty-three feet wide between the ditches ; and that there be ditches on each side of the turnpike, of sufficient width and sufficiently smooth for a good sleigh road wherever it is practicable ; and the said road hereby directed to be laid out shall be bedded with stone or other hard substance, not less than twenty-eight feet wide, so as to secure a solid foundation, and covered over at least six inches with gravel, so as to make the same firm and smooth.
- 8 VIII. *And be it further enacted*, That it shall not be lawful for the president and directors to enter into the lands of any citizen contiguous to the road described in this act, and take timber or other materials therefrom, without having first agreed with the owner thereof for the same.
- 9 IX. *And be it further enacted*, That it shall be the duty of the governor and council of appointment, to appoint three judicious disinterested persons, in the respective counties through which such turnpike road shall pass, with full power and authority, to examine the aforesaid turnpike road, and if on examination they find such turnpike road not constructed agreeable to law, or that the same is out of good repair, in either case they shall order the gate or gates opened, which shall be kept open till the same shall be so constructed or put in good repair ; and the said commissioners shall receive, as a compensation for their services, each two dollars per day ; *Provided*, That not more than two days service shall be allowed in any one month to any one of the said commissioners, which shall be paid by the corporation.

G R E A T W E S T E R N—F I R S T C O M P A N Y.

C H A P. CVIII.

C O N T E N T S.

4. Albany, City, rights reserved to the Corporation of.
3. Carriages, loaded with, or going for wood, &c. not to pay toll.
6. Election, anniversary day of.
2. Gates, not to be erected within three miles of Snipe-street.
11. Lands and Materials, value thereof how determined.
12. — Held by Landlord and Tenant, but one appraisement for.
14. — Which the Company may hold, value increased.
13. Landlord and Tenant, difference between them respecting proportions of compensation, how determined.
17. Materials, of what description, not to be taken without consent.
5. President pro tem. in absence of the President, may be chosen.
1. Road, may be extended from Cheesman's to Albany.
15. — Breadth, construction thereof and ditches.
16. — Commissioners to lay out, file a map thereof, &c.
18. — — To inspect from time to time, &c.
8. Roads, diverging, may be made.—9. No toll to be exacted for.
7. Toll, Directors authorized to abate.
10. Votes apportioned.

An ACT for extending the Limits and amending the Act of Incorporation of the First Company of the Great Western Turnpike Road.

Passed April 5th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful to and for the president, directors and first company of the great western turnpike road to continue the turnpike road by them constructed, from the house of Calvin Cheefman to Snipe-street, in the city of Albany, with like effect as if the continuation of the said turnpike road had been in and by the act, entitled "An act to establish a turnpike corporation for improving the state road from the house of John Weaver, in Watervliet, to Cherry-Valley, and to repeal the act therein mentioned," hereby intended to be amended, extended easterly to the said Snipe-street; *Provided always*, That no toll-gates shall be erected by the said company within three miles measured on the said turnpike road, from Snipe-street aforesaid; *Provided also*, That all carriages loaded only with hay, firewood, turf, or fossil-coal, shall, while so loaded with an ordinary load, be exempted from toll in passing the toll-gate to be established on the turnpike road aforesaid, within the limits of the said city; and that all carriages belonging to persons residing in the city of Albany, going for such articles as aforesaid, shall be in like manner exempted from the payment of toll; which carriages, to entitle the owners thereof to such exemption, shall be marked with some distinguishing brand, by such officer as the mayor, aldermen and commonalty of the city of Albany shall for that purpose appoint; *And provided further*, That if the mayor, aldermen and commonalty of the said city of Albany, shall deem it necessary to pitch, level and pave any part of the turnpike track aforesaid, within the said city, so as the same be kept in good and perfect repair without expence to the company, and they shall resume the same for that purpose, such part of the said turnpike road, as they shall so pitch, level and pave, shall be exempted from toll; *And provided further*, That the construction of the said turnpike road shall not be permitted to alter the level of any street in the said city of Albany, to be permanently established by the said mayor, aldermen and commonalty.

II. *And be it further enacted*; That in case of the absence of the president from any meeting of the directors, the directors present at such meeting, may by a plurality of votes, choose one of their number president, during such meeting; that henceforth the annual day of election, for choosing directors for the said company, shall be on the last Tuesday of September, in every year, instead of the anniversary day for that purpose, designated in the said hereby amended act; that it shall and may be lawful to and for the said president and directors, from time to time and during such periods as they shall deem proper, to abate the toll which they are authorized to exact, in and by the act hereby amended, either wholly or in part; and to construct any diverging road or roads, communicating with the said turnpike road, deducting the expences of the

R

construction of such diverging roads, from the production of such turnpike road, with and as part of the contingent costs and charges incurred during the half year in which such expences shall have been incurred ; *Provided*, That no toll shall be exacted for any such diverging road.

10 III. *And be it further enacted*, That instead of the apportionment of votes prescribed in and by the hereby amended act, the votes of the stockholders at every election, shall be given in the following proportions, to wit : One vote for every share not exceeding ten, and one vote for every two shares above ten shares, held by each stockholder, so as that no stockholder shall be entitled to more than twenty-five votes.

11 IV. *And be it further enacted*, That in case of disagreement between the said president, directors and company, and the owner or owners of any lands already laid out, or which shall be hereafter laid out as part of the said turnpike road, or from which materials shall have been taken, or may hereafter be taken by the said president, directors and company, for the construction of such turnpike road, as to the value of such lands, or the injury sustained by the owners thereof, or of the value of such materials, by means of appropriating the same for the purpose aforesaid, the compensation for such land or injury shall be determined by an appraisement to be made on oath by three freeholders, not interested in the same, to be mutually agreed upon between the parties ; or if the owner or owners of such lands or materials, shall refuse or neglect to join in such choice, or if any such owner be an infant, feme covert or insane, and the guardian, husband or committee of such infant, feme covert or insane person, shall neglect or refuse to join in making such choice, or if any owner of such lands or materials, cannot upon diligent enquiry, be found in, or resides without the state, then and in every such case, it shall and may be lawful to and for any justice of the peace of the county in which such lands lie, or on which such materials shall be taken, upon the application of the said president, directors and company, or their agent, to appoint such three freeholders, who or any two of them shall make such appraisement ; and upon the completion of the same, and upon the said president, directors and company paying the amount thereof to such owner or owners, or other person legally entitled to receive the same, whenever he, she or they demand the amount thereof from the treasurer of the said president and directors, and upon paying the expence accrued by means of such appraisement, to the justice who shall have appointed such appraisers ; the said president, directors and company, shall hold the said lands or materials so appraised for ever, for the purpose of maintaining the said road, discharged of the right and title of such owner or owners ; and that in every case in which such lands laid out for the said turnpike road, or from which any materials shall have been so taken for the construction thereof, shall be held for years or for life, and the landlord or landlords, or person or persons, entitled to the reversion or remainder, cannot upon diligent enquiry be found, the tenants in possession shall so far forth, as respects any

appraisement to be made in pursuance of this act, be deemed the owners; and that in every other case the landlord and tenant, or the tenant for life or years, and the person entitled to the reversion or remainder of any lands so appropriated or injured, shall be collectively deemed the owners, within the intent of this act, and only one appraisement shall be made, as to the compensation to be made by the said president, directors and company, for such appropriation or injury to such person or persons holding for life or years, and his, her or their landlord or landlords, or person or persons entitled to the reversion or remainder of such lands, without distinguishing the proportion of each.

V. *And be it further enacted*, That if any difference shall arise between such tenant or tenants for life or years, and his, her or their landlord or landlords, or the person or persons entitled to the reversion or remainder of such lands relative to their respective proportions of such compensation, such proportions shall be settled by the same appraisers in like manner, at the instance of either of the parties, but at their joint expence, in proportion to the share of such compensation, which each of them shall, in the opinion of such appraisers be entitled to.

VI. *And be it further enacted*, That it shall be lawful to and for the said president, directors and company, to purchase, hold and convey lands of a value at the time of the purchase thereof not exceeding five thousand dollars, over and above the real estate in the act hereby intended to be amended, described.

VII. *And be it further enacted*, That the said turnpike road, shall be at least the breadth of four rods, and shall not exceed six rods in breadth in the whole extent thereof, to be constructed in pursuance of this act; that such continuation of the said turnpike road shall be made by bedding at least the breadth of two rods thereof with stone or other hard substance, so as to secure a solid foundation, and the same shall be covered with gravel or other hard substance, so as to make the face thereof firm and smooth, and the ditches on the sides of the said road, shall (where it may be practicable) be of a proper breadth and sufficiently level to form a good road for sleighs.

VIII. *And be it further enacted*, That the direction of the said turnpike road, shall be determined and marked by three disinterested commissioners, to be appointed by the person administering the government, and it shall be the duty of the said commissioners, to lay out the direction of the said road, without favour or partiality, according to the best of their judgment, so as to answer the object of the said corporation, and secure the public interest; and the said commissioners shall cause an actual map of the survey, designating particularly the track thereof, to be made and filed in the clerk's office of the city and county of Albany, at the expence of the said president, directors and company, and that the said commissioners, shall respectively be allowed at the rate of two dollars per day, for their services, to be likewise paid by the said president, directors and company.

- 17 IX. *And be it further enacted*, That the said president, directors and company, shall in no case cut, take or carry away any timber or wood, stone fence, or stone collected for building, from any land without the consent of the owner thereof.
- 18 X. *And be it further enacted*, That one disinterested freeholder shall be appointed by the person administering the government, whose duty it shall be, whenever any complaint shall be made to him, that such turnpike road hereby intended to be extended, is out of repair, to examine the same, and if he shall upon such examination deem that the said turnpike road requires repairs, to order the toll gates on such part of the said turnpike road, in and by this act extended, to be kept open until those parts of the road which such freeholder shall designate as requiring repair, shall be well and sufficiently repaired; for which examination such freeholder shall receive from the said president, directors and company, at the rate of two dollars for every day he shall be employed therein, but not to exceed two days in any one month.

D U T C H E S S.

C H A P. CXI.

C O N T E N T S.

- 34, 36. *Accounts*.—35. *Dividends*.—37. *Interest*.—33. *Transfers*.
1. Certain Persons incorporated for making a Turnpike Road.
 5. Commissioners, their duty in receiving Subscriptions, &c.
 9. ——— Their duty in respect to the first Election.
 13. ——— Their further duty.
 2. Company, Stile & corporate Rights.—36, 38. When dissolved.
 36. Comptroller, Directors to render an account to him.
 7. Directors, thirteen, to manage the concerns of the Company.
 11. ——— Seven a quorum—Powers granted to.
 - 14, 15. ——— Their further powers.
 8. Election, anniversary day of.
 - 22, 23. Gates, the erection of to be licensed by the Governor.
 18. Lands, Company may enter upon and take.
 19. ——— Value how ascertained in case of disagreement.
 28. Mile-Stones to be erected.
 31. 32. Penalties against this act, how recovered.
 10. President, to be elected—12. President pro tem. may be chosen.
 17. Road, Commissioners to lay out—to file a Map of, &c.
 20. ——— Breadth and construction thereof, and Ditches.
 21. ——— When out of repair, Commissioners to inspect, &c.
 3. Stock, to consist of 2000 Shares of 30 dollars each.
 16. ——— If insufficient, may be increased.
 25. Toll, Rates of.—29. Lists of, to be posted up at each Gate.
 27. ——— Who are exempted from paying toll.
 24. Toll-Gatherers.—26. Powers granted to.—32. Penalties on.
 30. Travellers in carriages, when meeting, to keep the right hand.
 4. Votes apportioned.—6. May be given by proxy.

An ACT to establish the Dutchess Turnpike Company.

Passed April 5th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That William Thorn, Robert Abbatt, Rufus Park, Daniel S. Dean, George B. Everfen, Joshua Ward, Thomas Newcomb, William Shipley, Gilbert Livingston, William Emott, John Newcomb, Stephen Hendrickson, Hulet Peters, Ebenezer Mott, Isaac Smith, William Lathrop, Benjamin Herrick, Philip Hart, Ebenezer Haight, William Terry and Richard Davis, and all such persons as shall associate for the purpose of making a good and sufficient road from the court house, in the village of Poughkeepsie, in the county of Dutchess, to or near the house of Timothy Beadle, in the town of Clinton, in said county, to pass through Pleasant-Valley settlement, in and as near the present routes conveniently may be, and to be continued on easterly by the most convenient and direct route to the boundary line between the state of New-York and the state of Connecticut; to terminate in the vicinity of the town of Sharon or Salisbury, and also to branch out from the most convenient part of the above mentioned road to pursue generally, as near as may be judged most conducive to the public good, the present route by Plymouth-hill to the Dover road leading north and south, at or near the house of Lawrence Belding, to pass through the settlement known by the name of Mechanic; shall be and hereby are created and made a corporation and body politic, in fact and in name by the title and distinction of "The Dutchess Turnpike Company;" and by that name they and their successors for ever shall and may have perpetual succession, and shall be and hereby are made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and also shall and may make, use and have a common seal, and the same at pleasure alter; and also by that name shall be and hereby are made capable in law of purchasing, holding and conveying any estate real and personal, that they may deem necessary to enable them to fulfil the end and intent of the corporation hereby created.

II. *Be it further enacted*, That the capital stock of the said company shall consist of two thousand shares, and that the amount to be paid for each share, shall be thirty dollars; and that each stockholder shall be entitled to a vote, for every share he or she shall hold to the number of ten shares, and one vote for every five shares held by any person beyond ten shares; and subscriptions for shares in the said company, shall be taken in the manner following, to wit: William Emott, Robert Abbatt, Zaccheus Newcomb, Timothy Beadle, Rufus Park, William Thorn, Isaac Smith and Joseph Belding, shall be and they are hereby appointed commissioners, for taking subscriptions; and each of the said commissioners shall on or before the first Tuesday in May next, provide himself with a book, and shall enter therein as follows: We whose

- names are here under subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Dutchess turnpike company, the sum of thirty dollars for each share of stock in the said company set opposite our respective names, in such manner and proportions, and at such time and place as shall be determined by the president and directors of the said company, until the whole amount of thirty dollars is paid on each share ; and the said commissioners respectively shall open their books for taking subscriptions for the purpose aforesaid, on the said first Tuesday in May next, and shall continue them open from day to day until the whole number of shares are subscribed for ; *Provided*, That no person or corporation by himself, itself or others, shall subscribe for more than ten shares, till twenty days after said books shall be opened for subscriptions, and each subscriber shall at the time of subscribing pay unto the commissioner with whom he subscribes five dollars for each share so by him subscribed ; and as soon as six hundred shares are so subscribed, and the said sum of five dollars paid on each share, the said commissioners shall cause an advertisement to be inserted in all the newspapers printed in the county of Dutchess, thereby giving fourteen days notice of the time and place, when and where the said subscribers shall meet, by themselves or proxy, for the purpose of choosing thirteen directors, being stockholders, to manage the concerns of the company, for one year, and the day of such election shall for ever thereafter be the anniversary day for electing directors ; at which said first election the aforesaid commissioners, or any two of them, shall preside, and shall on estimating the whole number of votes taken at such election, declare under their hands in writing, the thirteen persons having the greatest number of votes for directors, for the year then next ensuing, and shall forthwith notify them of their election, and of the time and place when and where they are required to meet, and the said directors or a majority of them being met in pursuance of such notice, shall by ballot elect one of their number for president, and seven of the directors of the said company shall be a quorum, and capable of transacting the business of the said corporation, and every act of the majority of the directors so met, shall be binding on the said company, and the president and directors may meet when and where they may think proper, and shall have full power to make such bye laws, rules and regulations, not inconsistent with the laws of the United States or of this state, as shall be necessary for the proper government of the said corporation ; and shall and may appoint and employ such officers, agents, clerks, artists, workmen and others, as they shall think necessary for executing the work and business of the said corporation, and allow and pay to them respectively, and to all and every person whose time and attention shall be necessarily employed in the concerns of the corporation, such compensation for their services as they shall think proper.
- III. *And be it further enacted*, That if at any meeting of the directors of the said turnpike corporation, the president thereof

shall not attend, then and in such case it shall and may be lawful for the directors of such corporation to appoint a president for the time being.

IV. *And be it further enacted,* That immediately after the said president and directors are so chosen as aforesaid, the said commissioners shall respectively give up their subscription books before mentioned, to the said president and directors, as also pay to them the advance or deposit money of five dollars on each share subscribed for on their respective books; and in case the said full number of two thousand shares shall not be subscribed before the election of the said directors, that then the said president and directors may continue to receive subscriptions on said books, or some of them, to the stock of the said corporation, until there shall be the said number of two thousand shares subscribed.

V. *And be it further enacted,* That it shall and may be lawful for said president and directors to call and demand from the stockholders or subscribers respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, by public notice in all the newspapers printed in the county of Dutchess, at least three weeks before the time when the proportion of each stockholder is so demanded, and directed to be paid to the treasurer of said corporation; and if any stockholder shall for the space of ten days after the time expires, which shall be fixed by the said president and directors for the payment of the said rateable proportion so called for by them from the said stockholders respectively, that then such stockholder or stockholders who shall thus make default in not paying his or their rateable proportion, so demanded as aforesaid, shall lose and forfeit his or their share as a stockholder or as stockholders, and all previous payments thereon to the said commissioners, president, directors and company, to and for the use of the stockholders of said Dutchess turnpike company; and in case there shall any share or shares of said stock be forfeited in the manner above mentioned, that then the said president and directors shall and may at any time thereafter take other subscription or subscriptions to said stock on the same terms that the original subscriptions were taken, paying the same sum in advance for deposit money which shall at that time have been paid by the original subscriber or subscribers, on his or their respective share or shares.

VI. *And be it further enacted,* That after the amount of the said number of two thousand shares, mentioned in and by the second section of this act, shall have been appropriated by the said president, directors and company, for the purpose of making a good and sufficient road, between the places aforesaid; and the sum so appropriated shall be found insufficient to effect the same, it shall and may be lawful for the said president and directors, in order to complete the said road and turnpikes, to encrease or raise the funds of the said corporation, by adding a sum not exceeding fifteen dollars, to each and every share in the whole stock; which sum, so to be added, shall be an equal ratio upon each and every

share to be collected and paid in manner aforesaid, subject on default of payment to the pains and forfeitures aforesaid.

- 17 VII. *And be it further enacted*, That upon the application of the president of the said directors, to the person administering the government of this state, he shall and may appoint three disinterested and discreet freeholders of said county, not residing in any town through which any part of the said road shall run, who, or the majority of them, shall be commissioners for the laying out the said road, pursuant to the true intent and meaning of this act; and before they enter upon the duties hereby enjoined on them, they shall respectively take an oath or affirmation, before any justice of the peace of said county, faithfully and impartially to execute the trust respectively reposed in them, agreeable to this act; and the said commissioners shall cause an accurate map of the survey of such road, designating particularly the track thereof, to be made and filed in the clerk's office of the county of Dutchess, and that the said president and directors shall pay to each of the said commissioners, the sum of two dollars and fifty cents, for every day they shall be employed in executing the said duties.
- 18 VIII. *And be it further enacted*, That it shall and may be lawful to and for the said corporation, by the president and directors thereof, or by any surveyors, agents, artists, or other persons employed by them, to enter in and upon any land, where they may deem it proper to construct said road, and to lay out, survey and labour on such routes or parts, as shall be most eligible for a good and sufficient road, between the places and on the directions aforesaid, and contract with the owner or owners for the purchase of so much thereof, as may be necessary for making said road, and erecting and establishing gates, toll-houses, and all other works to the said road belonging; and in case of disagreement between the said parties, as to the value of the said land or damages, all things considered, the same shall be determined by an appraisement to be made by two justices of the peace, and by the oaths of six reputable and disinterested freeholders, who shall be summoned by the sheriff of the county of Dutchess, by virtue of a warrant to be issued by the said justices for that purpose; and in case of the infancy, coverture, insanity or absence from this state, of any of the owners, it shall be lawful for the said president, directors and company, to take possession of such land, the value and damages whereof, shall be ascertained and assessed in the manner above prescribed, and paid to the persons entitled thereto on demand, and on the payment of the value of the said lands, so to be taken for the said road, the right and title thereto shall vest in the said president, directors and company; and the said president, directors and company, shall pay the costs accrued in making such appraisement.
- 20 IX. *And be it further enacted*, That the said president, directors and company, shall cause a road to be laid out to and from the places before mentioned, at least four rods wide, except where valuable buildings interfere, twenty-eight feet at least of which shall be bedded with stone, gravel or other hard substance, at least one

foot thick, so as to secure a good and solid foundation to the same; and the said road shall be faced with gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit, an even surface, rising towards the middle by a gradual arch, and not so steep in any part, as that a waggon or other carriage, loaded with hay will be overturned by moving on any part thereof; and the water-ways on each side of the said arched way to be constructed, as that in times of snow they will form a good path for sleds, and not so deep as to endanger the overturning of sleds going off said arched way into said water-ways; and that they shall during the continuance of this act, maintain and keep the same in good and perfect order.

X. *And be it further enacted*, That whenever the said turnpike 21 road shall at any time be out of repair, so as that the travelling thereon shall be incommoded, and a complaint thereof be made to any judge of the court of common pleas in said county of Dutchess, not being a stockholder in such turnpike, in writing, and under the oaths of any six freeholders of the said county, specifying wherein such road is out of repair, that then it shall be the duty of such judge to appoint, under his hand and seal, three reputable freeholders not being stockholders in said turnpike, to view, examine and report on the same; and which said persons, so to be appointed, shall take and subscribe an oath, before any justice of the peace of the said county, faithfully to perform the trust reposed in them; and which said persons, so appointed, shall particularly report the defects in the said road to such judge, who may, on consideration of the circumstances, either approve or disapprove the same, in case such report shall state the said road to be out of repair, and in case the same report shall be approved of, then such judge shall, by a warrant under his hand and seal, authorize and require such gate or gates thereon, as he shall direct, to be opened, and thereafter such gate or gates, so directed to be opened, shall not be shut, nor shall any toll be exacted until the said road shall be again put in good and sufficient repair, which shall be ascertained and determined by such judge, on proof to be made to him, and thereupon it shall be lawful for such judge, under his hand and seal, again to permit such gate or gates to be shut, and toll to be exacted and taken as theretofore.

XI. *And be it further enacted*, That as soon as the president, 22 directors and company shall have perfected that part of the said road between the said court house and Timothy Beadle's, they shall give notice thereof to the governor of this state, whose duty it shall be forthwith to nominate and appoint three skillful and judicious persons to view and examine the same, and report to him in writing whether the said road is executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if they report in the affirmative, then it shall be lawful for the governor, by licence under his hand and the privy seal of this state, to permit and suffer the said president,

directors and company to erect and fix two gates or turnpikes upon and across the above district or part of the said road, for the purpose of collecting the tolls and duties herein after granted to the said corporation, from all persons travelling the same, the westernmost gate to be fixed immediately below the road from Swego which crosses the Wappinger's creek near the house of

- 23 Solomon Sutherland with said turnpike road: *And further*, Whenever the said president, directors and company, shall have completed the whole of said road as is before described, on giving notice as aforesaid to the governor of this state, and on like view, approbation, report and licence as aforesaid, it shall be lawful for the said president and directors to erect and fix upon and across that part of said road which will be between the house of the said Timothy Beadle and the said town of Sharon or Salisbury two turnpikes or gates, and on that branch which will lead from the route before mentioned to Dover road one turnpike or gate.
- 24 XII. *And be it further enacted*, That as soon as such road is so perfected, and the same being so examined and licensed as aforesaid, it shall and may be lawful for the president, directors and company to appoint toll-gatherers to collect and receive from all and every person or persons using the said road, the tolls and duties herein after mentioned, that is to say: For any number of miles not less than ten, the following sums of money, and so in proportion for any greater or less distance, to wit: For every score of sheep or hogs, six cents, and so in proportion for a greater or less number; for every score of cattle, twelve and an half cents, and so in proportion for a greater or less number; for every horse and rider, or led or driven horse, four cents; for every sulkey, chair or chaise, with one horse and two wheels, twelve and an half cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage waggon, or other four wheeled carriage, drawn by two horses, and for every cart or waggon, drawn by two oxen, twelve and an half cents, and three cents for every additional horse or ox; for every sleigh or sled, drawn by two horses or two oxen, six cents, and two cents for every additional horse or ox; for every sleigh or sled, drawn by one horse, (commonly called a pung) four cents; and for every cart drawn by one horse, six cents, and for every additional horse,
- 26 three cents; and it shall be lawful for any of the said toll-gatherers to stop any person or persons, riding, leading or driving any horse, cattle, sheep or hogs, sulkey, chaise, phaeton, chair, coach, waggon, cart, sleigh, sled or other carriage of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have respectively paid the toll as above specified; *Provided*,
- 27 That nothing in this act shall be so construed as to entitle the said corporation or their toll-gatherers, appointed under this act, to ask, receive or take any toll from any person whatsoever, for passing said gates, or either of them, who are going to or from a funeral, or election, or who may have occasion to pass a gate for the common business of a farm, or who may be going to or from

public worship on a Sunday, or who may go to or return from mill, with grain or flour for his family's use ; and also, that such persons who may in waggons or carts, the wheels of which shall be made with felloes of the breadth of eight inches on the face or out side of them, shall and may use said road, and pass said gates free from any toll or expence whatsoever, for five years after the gates are erected.

XIII. *And be it further enacted,* That the said corporation shall 28
cause mile-stones to be erected or placed, one for each and every
mile on the said road, from the court house in Poughkeepsie,
to the eastern extreme thereof, and on each stone placed as afore-
said, shall be fairly and legibly marked the distance the said stone
is from the court house in Poughkeepsie, and the said corporation 29
shall also cause to be fixed in a conspicuous place at each gate
or turnpike, a printed or painted list of the rates of toll which
may be lawfully demanded.

XIV. *And be it further enacted,* That all persons travelling in 30
sleighs, sleds or carriages of any description on said road, or any
part thereof, in case of meeting others shall always take the right
hand part of the road, and in case of sleighs or sleds the right hand
water-way.

XV. *And be it further enacted,* That if any person or persons, 31
shall break or throw down or deface any of the mile-stones so
erected, for the information of the good people of this state, or
shall cut, break down or destroy any of the gates or turnpikes,
which shall be erected in pursuance of this act, or shall forcibly
pass the same without having paid the legal toll at such gate or
turnpike, such person or persons shall forfeit and pay a fine,
not exceeding fifty dollars nor less than one dollar, to be re-
covered with costs of suit by the treasurer of the said corporation,
to their use, in an action of trespass ; and if any person shall, with
his team, carriage or horse, turn out of said road, to pass the said
gates or turnpikes or any of them, on ground adjacent thereto, to
avoid the toll due by virtue of this act, such persons shall forfeit
and pay ten times as much as the legal toll would have been for
any such person passing through the said gate or turnpike, with
costs of suit, to be recovered by the treasurer of the said corpora-
tion for the use thereof, in an action of debt, before any court
having jurisdiction of the same ; and that in any trial to be had
respecting such leaving said road, and avoiding said gates or
turnpikes, or either of them, it shall be sufficient for said corpo-
ration, to prove that such person did leave said road, and after
passing further on beyond said gates, or either of them, did again
take the public road, leading through or from said gates or either
of them ; and that the burthen of the proof, with respect to the
intention or design of the defendant in leaving said road, and
avoiding said gates or either of them, shall lay entirely on the
defendant.

XVI. *And be it further enacted,* That if any toll-gatherer shall 32
unnecessarily delay or hinder any traveller or passenger, at either
of the said gates, or shall demand or receive more toll than is

by this act established, he shall for every such offence, forfeit and pay the sum of two dollars, to be prosecuted for and recovered, together with costs of suit, in an action of debt, before any justice of the peace of the said county of Dutchess, for the sole use of the person so unnecessarily hindered or attempted to be defrauded.

33 XVII. *And be it further enacted*, That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and that the transfers of the said shares shall be made and entered in the books of the said president, directors and company.

34 XVIII. *And be it further enacted*, That the president and directors of the said corporation shall keep a just and fair account of

35 all monies received for toll on the said road, and shall make and declare a dividend of the clear profit and income, (all contingent charges and expences being first deducted) among all the stockholders of the stock of the said corporation; and shall on the second Tuesdays in May and November in every year, publish the half yearly dividend, to be made of the said clear profits among the said stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

36 XIX. *And be it further enacted*, That the said corporation, shall within six months after the gates or turnpikes are set up, lodge in the office of the comptroller of this state, an exact account of the expences thereof; and the said corporation shall annually exhibit to the said comptroller, a true account of the dividends made and arising from the said toll, and the annual disbursements on said road.

XX. *And be it further enacted*, That the said comptroller shall, and he is hereby required to report to the legislature of this state, whenever it shall appear from the accounts so to be exhibited to him, that the income arising from the said toll, shall have fully compensated the said stockholders of said corporation, for all monies they have expended in purchases, making, repairing, ornamenting and taking care of said road, together with an interest
37 thereon of fourteen per centum per annum, and thereupon the
38 said corporation shall be dissolved, and the interest and property of the said road shall be vested in the people of this state; *Provided*, That if the said corporation shall not proceed to commence work on the said road, within two years after passing this act, and shall not within six years thereafter complete the said road according to the intent and meaning of this act, then and in either of these cases, this act shall cease, be void and of no effect.

S C H O H A R I E.

C H A P. CXIII.

C O N T E N T S.

- 24, 26. *Accounts*.—25. *Dividends*.—28. *Interest*.—23. *Transfers*.
 1. Certain persons incorporated for making a Turnpike Road.
 4. Commissioners to receive subscriptions—5. and notify election.
 2. Company, file and corporate rights.—27. When to be dissolved.
 26. Comptroller, Directors to render an account to him.
 7. Directors, nine, to manage the concerns of the Company.
 10. ——— and President, powers and authorities granted to.
 8. Election, anniversary day of.
 15. Gates, the erection thereof to be licensed by the Governor.
 3. Lands, Company may hold, not exceeding 3000 dolls. value.
 20, 21, 22. Penalties against this act, how recovered.
 9. President, to be elected.
 29 Quaker-Hill Act, two Clauses thereof extended to this Act.
 13. Road, breadth and construction thereof.
 14. ——— Payments for making, may be made in Stock,
 5. Shares, 20 dollars each.—12. Number limited to 3000.
 17. Toll, Rates of.—18. Who are exempted from paying.
 16. Toll-Gatherers.—19. Powers granted to.—22. Penalties on.
 11. Votes apportioned.

An ACT to establish a Turnpike Corporation, to improve the Road from the Town of Cocksackie, in the County of Greene, to intersect the Great Western Turnpike Road, at or near Cherry-Valley.

Passed April 5th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Isaac Northrop, Thomas E. Barker, Storm A. Becker, Henry Wells, junior, William Frazier and Alexander Alexander, and all such persons as shall associate, for the purpose of making a good and sufficient road, beginning at an oak stump in a north course from and near the house of Andrew Slovers, in the town of Cocksackie, in the county of Greene, pursuing the most practicable and convenient route to Freehold, continuing the same to Middleburgh, in the county of Schoharie, and from thence by the most direct route to intersect the great western turnpike road, leading from Albany through Cherry-Valley, in the most convenient place at or near Cherry-Valley, shall be and hereby are created and made a corporation and body politic, in fact and in name, by the name of "The President, Directors and Company of the Schoharie Turnpike Road," and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever : *Provided*, The lands so to be held, shall not exceed in value three thousand dollars, and the same or any part

thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record, or in any other place whatsoever: *Provided*, That such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created, and to no other use, intent or purpose whatsoever.

- 4 II. *And be it further enacted*, That Isaac Northrop of Catskill, and Thomas E. Barker of Freehold, in the county of Greene, Storm A. Becker of Middleburgh, and William Beekman of Sharon, be and they hereby are appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: They shall on or before the first day of May next, procure four books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of
- 5 the Schoharie turnpike road, the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing, pay unto either
- 6 of the said commissioners, the sum of two dollars for each share so subscribed; and the said commissioners, as soon as five hundred shares shall have been subscribed, shall cause an advertisement in two of the public newspapers printed nearest to the route of said road, giving at least fifteen days notice of the time and place when and where the said subscribers shall meet for the purpose of choosing nine directors, who shall be stockholders, for
- 7 the purpose of managing the concerns of the said company for one year; and the day of choosing the said directors shall thereafter be the anniversary day for choosing directors; and any five of the said directors shall be a quorum and capable of transacting the business of said corporation, and every act of a majority of the said directors so met, shall be binding on the said corporation;
- 8 and the said directors elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice and
- 9 elect one of their number for president; and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such bye laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation, with a power of declaring forfeited all previous payments made on the respective shares, whose full sum or any part thereof is not paid at the time and place specified by
- 10 the said directors: *Provided*, That no person shall have more than ten votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

III. *And be it further enacted*, That the said president and directors, may continue to receive subscriptions to the stock of the said corporation, until there shall be three thousand shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation.

IV. *And be it further enacted*, That the said president, directors and company shall cause the said road to be laid out at least four rods wide, where the same is practicable ; twenty-four feet of which shall be bedded with wood, stone, gravel or other hard substance, compacted together a sufficient depth to secure a solid foundation to the same ; and the said road shall be faced with gravel or other hard substance, in such manner as to secure, as near as the materials will admit, an even surface, rising toward the middle by a gradual arch ; and they shall, during the continuance of this act, maintain and keep the same in good order and repair.

V. *And be it further enacted*, That it shall and may be lawful for the directors of the said corporation to agree with any person or persons who may be willing to undertake to complete any part of the said road, and to take payment therefor in turnpike stock.

VI. *And be it further enacted*, That as soon as the said president, directors and company shall have completed ten miles of the said road, in the manner specified, then it shall be lawful for the president, directors and company to give notice to the person administering the government of this state, who shall thereupon forthwith nominate and appoint three judicious persons to view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act ; and if the report, or that of any two of the said persons, is in the affirmative, then it shall be lawful for the said person administering the government of this state, and it is hereby made his duty, by licence, under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road ; and in like manner when any additional ten miles shall be completed and ascertained as aforesaid, then it shall be lawful for the said president and directors to erect one other gate and turnpike across said road, and to demand and receive the tolls herein after mentioned ; and when the whole road shall be completed, according to the true intent and meaning of this act, and passed the inspection aforesaid, it shall and may be lawful for the said president and directors to erect such and so many gates and turnpikes, as may be necessary on said road : *Provided*, That such gates shall not be erected at a less distance than ten miles from each other.

VII. *And be it further enacted*, That as soon as the whole, or any part of the said road, shall be completed, and permission to erect a gate or gates aforesaid be granted, the president and directors may appoint toll-gatherers to collect and receive of and from

- all and every person or persons using the said road, and passing through any one of the said gates, the toll and duties hereinafter mentioned, and no more, that is to say : For every score of sheep five cents ; for every score of hogs, five cents ; for every score of cattle, horses or mules, twelve cents, and so on in proportion for any greater or less number of sheep, hogs, cattle, horses or mules ; for every horse and rider or led horse, four cents ; for every fulkey, chair or chaise with one horse, twelve cents ; for every cart drawn by one horse, four cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every other four wheel carriage drawn by two horses, mules or oxen, twelve cents, and three cents for every additional horse, mule or ox ; for every cart drawn by two oxen or horses, six cents, and three cents for every additional horse or ox ; for every sleigh or sled, six cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or less number of horses or oxen : *Provided* that no person passing to or from public worship on Sunday, going to their common labour on their farm with their cattle or teams, or returning therefrom, carrying firewood, going to or returning from mill, shall pay any toll at any gate situated within the bounds of the town in which they are resident : And it shall be lawful for any of the toll-gatherers to stop any person or persons driving any carriage or sled, riding or leading horses, driving horses, oxen, sheep or hogs from passing through any of the gates or turnpikes, till they have respectively paid the tolls above mentioned ; and if any person or persons shall forcibly pass any gate or gates without having paid the legal toll, they shall forfeit the sum of five dollars for each offence to be recovered in the name of the company, to their use, by action of debt, in any court having cognizance of the same, with costs ; and if any person with his team, horses or carriages, cattle, sheep or hogs, shall, after travelling the said road, turn off to pass the said gate or gates on ground adjacent thereto, and again enter on the said road, with intention of defrauding the said company by avoiding the payment of the toll due by virtue of this act, such person shall forfeit the sum of five dollars, to be recovered as aforesaid, with costs.
- 22 VIII. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any person from passing any of the gates, and at any time in the day or night, on tendering the legal toll, or shall demand more than is established by this act, he shall for every such offence pay a sum not exceeding five dollars, to be recovered before any justice in the county where such offence shall be committed, for the sole use of the person so hindered, delayed or defrauded, and in his name, with costs.
- 23 IX. *And be it further enacted*, That the stock of the said company shall be taken and deemed personal estate, and shall and may be transferable, agreeably to such bye laws, rules and regulations, as may from time to time be made therefor by the directors.
- 24 X. *And be it further enacted*, That the president and directors of the said corporation shall keep a just and fair account of all mo-

nies received by the several collectors of toll on said road, and 25 shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among all the stockholders of the said corporation, and shall on the first days of January and July in every year, publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

XI. *And be it further enacted,* That the said president and directors shall within six months after said road is completed, lodge 26 in the comptroller's office of this state, an account of the expence thereof, and the corporation shall annually exhibit to the comptroller a true account or dividend of all the income arising from said toll, with the annual disbursements on said road.

XII. *And be it further enacted,* That the legislature may dis- 27 solve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest thereon of fourteen 28 per centum per annum, and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal. *Provided,* That if the said corporation shall not commence their operations on the said road, within two years after passing this act, or shall not within six years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

XIII. *And be it further enacted,* That the several provisions and 29 restrictions in the fifth and sixth sections of the act, entitled "An act to establish a turnpike corporation for improving and making a road from Quaker-hill, in Dutchess county, at the line of Connecticut, near the house of Jephtha Sabins, to or near the house of Peter Brill, in the town of Beekman," shall be and are hereby extended to this road.

Lock Navigation.

C H A P. XCVII.

CONTENTS.

8. Comptroller, to accept Shares for Monies due the State.
1. Delinquent Stockholders, re-admitted on paying their arrears.
2. ——— In case of neglect, their Shares to vest in the Company.
6. Dividends, extended to 20 per cent.
3. Shares, each original one divided into three, of 120 dolls. each.
4. Stockholders, to receive a Certificate for each new Share.
5. ——— Entitled to vote thereon, as if originally granted.
7. Toll, production thereof, may be appropriated to complete the undertaking, or divided among the Stockholders.

T

An ACT to aid the Establishing and Opening the Western Lock Navigation.

Passed April 2d, 1802.

WHEREAS the president, directors and company of the western inland lock navigation of the state of New-York, have by their petition, prayed further aid to enable them to prosecute their operations : In compliance wherewith,

- I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the persons who have been stockholders in the said company, who have complied with the requisitions of the said president and directors, made before the nineteenth day of February, one thousand seven hundred and ninety-six, and who have at any time since neglected, and still neglect to pay any of the sums required to be paid by such president and directors, by any requisition by them made, after the said nineteenth day of February, shall be re-admitted stockholders of the said company, upon their paying, within six months after the passing of this act, to the treasurer or agent of the said president and directors the sums payable by them, in pursuance of such requisitions, with lawful interest from the day on which such sums were respectively required to be paid until the day of making such payment ; and that if any person who shall have so neglected to pay the sums required by any such former requisitions, shall not make such payment of principal and interest within the said six months, then the share of such person, so neglecting, shall be deemed to be fully vested in the said company, to be disposed of by the said president and directors, as to them shall appear best calculated to advance the interest of the said company.
- II. *And be it further enacted,* That the stock of the said company shall be deemed personal estate, and that each of the shares thereof shall be divided into three shares : that one hundred and twenty dollars shall constitute each such share ; that each of the persons holding one of the original shares at the expiration of the said six months, and having satisfied the whole amount of the said requisitions, heretofore made thereon, shall be entitled to three of the new shares, and shall be credited on each of such new three shares, one third part of the amount of the principal sum paid on each original share ; and shall thereupon receive a certificate for each new share, specifying the amount of such payment thereon, subject to complete the same on the requisition of the said president and directors, in the manner prescribed by the act incorporating the said president, directors and company, to one hundred and twenty dollars, and no more ; and that the stockholders shall, after the expiration of the said six months, be entitled to vote in the same proportion, as if such new shares had been originally in and by the said act created as part of the stock of said company.
- III. *And be it further enacted,* That the limitation of the dividend of the stockholders of the said company, on the principles contained in the seventeenth section of the said act, shall instead of fifteen be extended to twenty per cent ; and that until the navi-

gation shall be completed in its whole extent, it shall be lawful to and for the said president and directors, in their discretion, either to appropriate the production of their tolls to the prosecution of the said undertaking, or to divide the same in the manner in and by the said act directed.

IV. *And be it further enacted*, That the comptroller shall accept of so many shares of the stock of the said company, as shall amount to the principal sum and interest now due to this state from the said president, directors and company, computing each such share at one hundred and twenty dollars, in lieu of and in full discharge of such principal and interest; which shares of the stock of the said company, so accepted in lieu of the said principal and interest, shall not be subject to any farther requisition; and shall in all dividends to be made after the passing this act, be entitled to a rateable share of the production of such navigation, making allowances for the difference of advance between those shares and others, composing the stock of the said company.

Trees.

C H A P. XXXII.

CONTENTS.

1. Trees, may be planted on the Sides of public Highways.
2. ——— To be in regular Rows, at least six feet from each other.
3. ——— Penalty for cutting down or injuring them.

An ACT to authorise the setting out and planting of Trees on the Sides of certain public Highways.

Passed March 8th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall and may be lawful for every person owning lands joining on public highways which shall not be less than three rods wide, to plant and set out trees of any description, on or near the extreme side or sides thereof: *Provided*, Said trees be placed in regular rows at the distance of at least six feet from each other, and on the side or sides only of said public highways which shall be contiguous to the land owned by the person or persons so setting out or planting the same.

II. *And be it further enacted*, That if any person or persons whatsoever, shall cut down, injure or destroy trees so planted and set out as aforesaid, or that have been heretofore so planted, set out or standing as aforesaid, he or they shall be liable to an action of trespass, at the suit of the party owning the land contiguous to such trees, any law, usage or custom to the contrary notwithstanding.

Waters.

C H A P. CXXII.

C O N T E N T S .

1. In the Counties of Steuben and Chenango, the Waters of certain Lakes, Creeks and Rivers, declared public Highways.
2. Owners of adjacent lands, may erect Mills, &c. on said Waters.
4. ——— Provided they cut a sufficient Canal so that the Navigation is not injured thereby.
3. Penalty for obstructing the said Waters.
5. 34th Section of the Road Act, so far as it declares the outlet of Canandaigua-lake a public Highway, repealed.

An ACT declaring certain Waters in the Counties of Steuben and Chenango, to be Public Highways, and repealing Part of the Act, entitled "An Act to regulate Highways."

Passed April 5th, 1802.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the waters of Little-lake and Mud-lake, and the strait by which they are connected, in the county of Steuben, and the waters of Mud-creek, beginning immediately below Frederick Bartle's mill-dam ; thence down the said creek to Thomas Cobbit's mill-dam ; thence through a canal to the west of said dam heretofore dug and prepared by the said Cobbit and others, for the purpose of navigation into the creek below the said dam ; and thence down the said creek to its junction with the Conhocton-river ; and all that part of the Conhocton-river, which lies between the bridge at the town of Bath and a point on said river, twenty miles above the said bridge, and the Unadilla-river from the forks to the mouth thereof ; and the east or main branch of the Chenango-river, from the forks thereof in the town of Sherburne, in the county of Chenango, to its junction with the west branch thereof, be and they are hereby declared to be public highways ; *Provided however,* That the owners of the adjoining lands, may erect mills or other water-works, store-houses or docks on the said waters, so that the same shall not obstruct the navigation thereof.
2. **II.** *And be it further enacted,* That if any person shall, after the passing of this act, dam up or obstruct the navigation of the before described waters, by erecting or building any mill or wier, or by the building or erecting thereon any other works, or by cutting or falling wood or timber in the same, every person so offending, shall forfeit for each offence the sum of twenty-five dollars, to be recovered with costs of suit, by and for the use of any person who will sue for the same, before any justice of the peace in the said counties ; and the person so offending shall moreover be deemed guilty of a misdemeanor, and be prosecuted ac-
- 3.

cordingly by indictment ; *Provided nevertheless*, That if any person or persons erecting or building a mill or mills, or other works, on either of the above described streams, shall cut or dig a sufficient canal or canals, so that the navigation of the same be not injured by means of such works, that the said person or persons shall not be liable to any of the penalties of this act ; *And provided also*, That nothing in this act contained, shall be construed to extend to or affect any mill or mills, or any dam for the use thereof, that may have been erected, or the building thereof commenced on any of the said streams before the passing of this act.

III. *And be it further enacted*, That the thirty-fourth section of the act, entitled " An act to regulate highways," passed the 8th day of April, 1801, so far as it declares the outlet of the Canandaigua-lake, in the county of Ontario, from the said lake to its junction with the waters of Mud-creek, to be a public highway, be and the same is hereby repealed.

Hamilton Aqueduct.

C H A P. CXV.

CONTENTS.

1. Certain persons incorporated.
4. Clerk, Collector, Treasurer, &c. how chosen.
7. ——— Their several duties.
2. Company, their Style and corporate Rights.
5. ——— Powers and Privileges, granted to.
3. Meeting of Stockholders, how convened.
6. Penalties against this Act, the amount thereof limited.
8. Transfers of Stock, to be regulated by the Stockholders.

An ACT for incorporating an Aqueduct Association in the Town of Hamilton, in the County of Chenango.

Passed April 5th, 1802.

WHEREAS Elisha Payne, together, with sundry other citizens, have associated for the purpose of supplying the village where courts are held in the town of Hamilton, in the county of Chenango, with pure and wholesome water, for the use of such inhabitants thereof and others as may be inclined to take the same : Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Elisha Payne, Peter P. Roots, Benjamin Pierce, Nathaniel King, John Collins, Thomas Greenly, John Williams and James Pettit, and such other persons as may become interested in the association or company formed for supplying the said village with water, by means of conduits or aqueducts, shall be and hereby are created a body politic and corpo-

2 rate, in fact and in name, by the name of the "Aqueduct Association in the town of Hamilton," and by that name shall be capable in law to sue and be sued, plead and be impleaded, in any court of record, but shall not be capable of holding any real estate excepting such as may be necessary for such conduits or aqueducts, in any other place than within the said village, or any real or personal estate exceeding the annual value in the whole of two thousand dollars, exclusive of the profits or income of such conduits or aqueducts.

3 II. *And be it further enacted*, That it shall and may be lawful for any three of the said persons so associated or to be associated, by notice to be given in writing, at two of the most public places in the said village, five days at least previous to any meeting, to convene the said company or association, at the most convenient and public
4 place in the said village; and such of the members of the said association, being at least a majority of the whole number, as shall so convene, shall be and hereby are authorized by a vote of a majority present, to choose and appoint a treasurer, clerk and collector of such association, and such other agents as may be necessary to
5 carry into effect the objects of their association, to make and ordain all such bye laws, rules and regulations, relative to the said conduits or aqueducts, as they may deem proper and necessary, for the superintendence, regulation and management of the same, and of such as may be added thereto; and for the alteration, preservation and reparation thereof, or for the equal assessment and collection amongst the proprietors of the same aqueducts, according to their respective rights and shares, of all costs and expences arising in the execution of all such bye laws, rules and regulations aforesaid, and to impose penalties for the violation of the said bye laws and regulations: *And further*, To institute such suits in the name of such company or association, as may be necessary to recover damages that may be done to the said aqueducts, or
6 for any penalty imposed as aforesaid, with costs of suit; *Provided*, That no penalty to be imposed by virtue of any such bye laws or regulations as aforesaid, shall be contrary to the laws of this state, or exceed twenty dollars for any one offence.

7 III. *And be it further enacted*, That the treasurer shall receive and pay out all monies collected by virtue of this act, agreeably to the orders and directions of the association; and the said clerk shall enter in writing all the proceedings of the said association or company when convened as aforesaid, under this act; and the said collector shall levy and collect all such taxes and sums of money, so as aforesaid to be voted in pursuance of this act, agreeably to such tax lists or assessment rolls as shall be made out and delivered to him by the said clerk, the same being first by him certified and subscribed, and shall pay the same monies over to the treasurer of the said association; and the said collector shall have the like powers, and proceed in like manner in the said collection as is by law prescribed to the collector of any town in the collection of the contingent charges of the county.

IV. *And be it further enacted*, That all transfers of shares in the said association or company, shall be made and entered in a book to be by them provided for that purpose, under such regulations as may be prescribed by the said association.

Insurance.

MARINE INSURANCE COMPANY.

C H A P. XL.

CONTENTS.

1. Company, how long to endure—Stile and corporate Rights.
22. ——— Prohibited from dealing in Goods and Public Stock.
5. Directors, eleven, to be chosen—their qualifications.
25. ——— Certain Persons not eligible for.
11. ——— First named—how long to continue in office.
15. ——— Powers and Privileges granted to.
19. ——— Their Meetings, & proceedings respecting Dividends.
20. ——— Triennially to account with the Stockholders.
6. Election, anniversary day of—Notice thereof to be given.
13. ——— If not held on the said day, may be held on any other.
7. ——— How conducted—to be by Ballot—each share one vote.
8. ——— May be personally or by proxy.
21. Estate, real, limited as to manner of acquiring, holding, &c.
18. Losses on Policies, Payments for, not to be made without consent of at least four Directors.
26. Members, at the dissolution of the Corporation, how responsible.
4. Mortgaged Premises, on sale thereof, Releases to be given.
17. Notes, may be taken for Premiums.
23. ——— Given by the Corporation, to be under seal.
9. President and two Assistants, to be chosen.
16. ——— Authority granted to them to make Insurances.
2. Shares, 250 dollars each—Number limited to 1000.
24. ——— Must be held for 90 days to entitle the holder to vote.
3. Stock, not to exceed 250,000 dollars.
14. Transfers of Stock by certain Officers, limited.
- 10, 12. Vacancy in the office of President, Director, &c. how filled.

An ACT to incorporate the Stockholders of the Marine Insurance Company of New-York.

Passed March 16th, 1802.

WHEREAS a petition hath been presented to the legislature, subscribed by William Neilson and others, praying that an association, under the stile of the marine insurance company of New-York, may be incorporated, the better to enable them to conduct and extend the business of marine insurance, being the sole purpose of their institution: Therefore,

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are

or hereafter shall be stockholders of the said company, shall be
1 and hereby are ordained, constituted and declared to be from
time to time, and until the first day of March, in the year one
thousand eight hundred and fourteen, a body corporate and politic,
in fact and in name, by the name of "The Marine Insurance
Company of New-York," and by that name they and their suc-
cessors, until the first day of March, one thousand eight hundred
and fourteen, shall and may have continual succession, and shall
be capable in law of suing and being sued, pleading and being
impleaded, answering and being answered unto, defending and
being defended, in all courts and places whatsoever, in all man-
ner of actions, suits, complaints, matters and causes whatsoever,
and that they and their successors may have a common seal, and
may change and alter the same at their pleasure ; and also that
they and their successors, by the name of the marine insurance
company of New-York, shall be in law capable of purchasing,
holding and conveying any estate, real or personal, for the use of
the said corporation, subject to the restrictions herein after men-
2 tioned : That a share in the stock of the said corporation, shall be
two hundred and fifty dollars, or the equivalent thereof in spe-
cie, and the number of shares shall not exceed one thousand ;
3 and the whole amount of the stock, estate and property which the
said company shall be authorized to hold, including the capital
stock or shares above mentioned, shall never exceed in value,
two hundred and fifty thousand dollars.

4 II. *And whereas*, By the original articles of association, bonds
and mortgages for a considerable part of the capital of the said
company, may be taken in lieu of money, and as the said mort-
gages may be given upon property that the owners thereof may
afterwards wish to dispose of: Therefore, *Be it further enacted*, That
if any part of the premises so mortgaged be disposed of, a release
of such part shall be given by the said company : *Provided always*,
That the monies arising from such sale shall be paid to the said
company ; or if the property or any part thereof be sold on cre-
dit, mortgages shall be taken from the purchaser or purchasers,
and shall be assigned to the said company ; and the original bond,
with such part of the premises as were not released by the said
company, shall also remain as a security for the payment of all
the monies mentioned in the condition.

5 III. *And be it further enacted*, That for the well ordering of the
affairs and concerns of the said corporation, there shall be chosen
eleven directors, who shall hold their offices for one year, and
until others shall be chosen, and no longer ; which directors shall
at the time of their election be stockholders and citizens of this
state, and each of them at the time of their election and during
their continuance in office, shall be holders, in their own right,
6 of at least twenty-five shares ; and shall be elected on the second
Tuesday in November in each and every year, at the office of the
said company, or at any other convenient place in the city of
New-York, and at such time of the day as the president and as-
sistants, or a majority of them for the time being, shall appoint ;

of which election further notice shall be given in at least two of the newspapers printed in the city of New-York, and continued for the space of fifteen days, immediately preceding every such election ; and the election shall be holden under the inspection of three stockholders, not being directors, to be appointed for that purpose by the president and assistants, or a majority of them, previous to every election ; and the election shall be by ballot, and determined by a plurality of votes of the stockholders present, and each stockholder shall be entitled for every share to one vote, and may vote by proxy : *Provided*, The proxy be derived immediately from such stockholder, whether citizen or foreigner.

IV. *And be it further enacted*, That the directors shall meet as soon as may be after every election, and shall choose out of the stockholders at large or their own body, a president and two assistants, who shall serve for one year, and be sworn to discharge faithfully the duties of their office, but neither the president or assistants shall be eligible to their places, unless they hold each in their own right, at least twenty-five shares in the capital stock of the said corporation ; and in case of the death, resignation or inability to serve, of the president, assistants or either of them, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose ; and that the president, or in case of his death, resignation or inability, the assistants or either of them, and in case of their death, resignation or inability, then the secretary, shall have power to call a meeting of the directors for the purpose aforesaid, by a notice published in two of the daily papers printed in the city of New-York, for three days immediately previous thereto ; and the first directors shall be William Neilson, John Lawrence, William Laight, George Turnbull, John C. Vanderhevel, William Neilson, junior, Henry I. Wyckoff, Samuel Gouverneur, Thomas Knox, Robert Lenox and Alexander McGregor, who shall hold their offices respectively, until the second Tuesday of November, in the year of our Lord one thousand eight hundred and two ; and in case of the death, resignation or inability to serve of one or more of the directors, such vacancy or vacancies shall or may be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for directors.

V. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

VI. *And be it further enacted*, That neither the president, assistants, directors, or either of them, shall transfer any of the shares they may respectively hold under twenty-five, during their continuance in office, without thereby forfeiting their places.

- 15 VII. *And be it further enacted,* That the directors, or a majority of them, shall have power to make, prescribe and alter such bye laws, rules and regulations as shall to them appear needful and proper, touching the well ordering of the said corporation, the management and disposition of its stock, property, estate and effects, the transfer of shares, the duties and conduct of the president, assistants, secretary, clerks, and persons employed, the election of directors, and of all such other matters as appertain to the business of marine insurance; and also shall have power to appoint a secretary, and so many clerks and persons for carrying on the said business, and with such salaries and allowances to them, the president and assistants, as by the said directors shall be deemed advisable; *Provided always,* That such bye laws, rules and regulations shall not be repugnant to the constitution and laws of this state.
- 16 VIII. *And be it further enacted,* That either of the two assistants, together with the president, or the two assistants, in the absence of the president, shall have full power and authority, on behalf of the corporation, to make insurances upon vessels, freights, money, and on all goods, wares and merchandizes, and to fix premiums for the same; and all policies of insurance by them made, shall be subscribed by the president or assistants of the marine insurance company of New-York, and countersigned by the secretary, and shall be binding and obligatory upon the said corporation in like manner, and with the like force and effect, as
- 17 if under the seal of the said incorporation; and the president, with consent of either of his assistants, or the assistants, in the absence of the president, shall take such notes for premiums, the the same being indorsed, and at such terms of payment as they shall deem good and sufficient, and as shall be agreeable to the bye
- 18 laws in such case made; *Provided always,* That no money on losses arising under any policy, so subscribed, shall be paid, but with the approbation of at least four of the directors, with the president and his assistants, or a majority of them, having first made a board for that purpose, and for this object, the president, or in his absence the two assistants, one acting as president, shall be empowered to call together any four of the directors in rotation, if possible, and by plurality of voices may pay, settle and adjust all such losses, or other monied transactions as may come before them, and the same shall be binding on the corporation.
- 19 IX. *And be it further enacted,* That there shall be two stated general meetings of the directors every year, to wit: On the second Tuesdays of May and November, at which periods they shall examine the accounts and make a dividend of so much of the profits of the said corporation, as to them, or a majority of them, shall appear advisable; but the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the corporation; and in case of any loss or losses whereby the capital stock of the corporation shall be lessened, no subsequent dividend shall be made, until a sum equal to

such diminution, and arising from the profits of the corporation shall have been added to the capital ; and that once in every three 20 years the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the surplus of profits, if any there be, after deducting losses and dividends.

X. *And be it further enacted*, That the lands, tenements and 21 hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of business, or such as shall have been *bona fide* mortgaged to the said corporation by way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which it shall have obtained for such debts ; and with regard to all such lands, tenements and hereditaments so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagors, their heirs or assigns. the said corporation shall be bound to sell and dispose of the same respectively within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years, but the same shall immediately after the expiration of the said five years be forfeited to and vested in the people of this state.

XI. *And be it further enacted*, That the said corporation shall 22 not directly or indirectly, deal or trade in buying or selling any goods, wares or merchandizes or commodities whatsoever, or in buying or selling any stock created by any act of congress of the United States, or of any particular state, unless by purchasing for the purpose of investing its capital stock, or any part or parts thereof in the same, for the greater security, or by selling for the payment of its debts, or when such stock shall be truly pledged to it by way of security for debts due the said corporation ; *And further*, 23 *It shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contract for the payment of money only, except the same be under the seal of the said corporation, and all such notes, bills and contracts shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law.*

XII. *And be it further enacted*, That no transferred share shall 24 entitle the person to whom it may be transferred, to a vote until the expiration of ninety days after such transfer.

XIII. *And be it further enacted*, That no person, being either 25 singly by himself, or as a partner with one or more persons, a member of any other maritime insurance company in the city of New-York, shall be eligible for a director of this insurance company.

XIV. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and that the same be, for the

- time herein before limited, construed in all courts and places, benignly and favourably for every beneficial purpose therein intended.
- 26 XV. *And be it further enacted,* That in respect to all debts contracted by the said corporation before the first day of March, which will be in the year of our Lord one thousand eight hundred and fourteen, the persons composing the said corporation, at the time of its dissolution, shall be responsible in their individual and private capacity to the extent of their respective shares and no farther, in any suit or action to be brought after the dissolution of the said corporation.

WASHINGTON MUTUAL ASSURANCE.

C H A P. LXVII.

C O N T E N T S.

17. Bye laws, may be made or altered by the Stockholders.
 1. Certain Persons associated as a mutual Assurance Company.
 2. Company, Stile and corporate Right.
 4. ——— Prohibited from dealing in Goods or Public Stock.
 6. ——— Who shall be deemed Members.
 19. ——— May insure Houses, Stores and other Buildings.
 22. Corporation, how long to endure.
 7. Directors, eighteen, to manage the concerns of the Company.
 8. ——— Now in office, how long to continue.
 10. ——— One third by rotation annually to go out of office.
 13. ——— To receive no compensation.
 - ib. ——— Who may not hold the office of.
 14. ——— Powers granted to.
 9. Election, anniversary day of—Notice thereof to be given.
 12. ——— If not held on said day, may be held on any other.
 3. Estate, real, manner of acquiring and time of holding.
 - 15, 16. Meetings of the Directors and Stockholders, when held, &c.
 5. No President or Director of any other Insurance Company to hold the same office in this.
 21. Notes of the Corporation, to be under Seal.
 18. President to be chosen—His duties, and that of the Secretary.
 20. Transfers of Policies of Assurance, when valid.
 11. Vacancies in the office of Director, how filled.

An ACT to incorporate the Washington Mutual Assurance Company of the City of New-York.

Passed March 30th, 1802.

- 1 **W**HEREAS Henry Rutgers, Hugh Gaine, Cornelius C. Roosevelt, John Rathbone, John Gamage, John Bogert, Ahasuerus Turk, Abraham Ruffel, William Houston, John Hyslop, William G. Miller, Isaac Mead, James Ronalds, Joshua Barker, Thomas Storm, Jacob Le Roy, John Onderdonk and William Lupton, associated with others, as a company, under the style o

the "Washington Mutual Assurance Company of the city of New-York," for the useful purpose of promoting the safety and insurance of houses and other buildings from loss by fire, by their petition, presented to the legislature, have prayed to be incorporated, the better to enable them to carry into effect the salutary object of their institution : Therefore,

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all such persons as now are, or hereafter shall be, members of the said company, shall be, and hereby are ordained, constituted and declared to be, a body corporate and politic, in fact and in name, by the name of the "Washington Mutual Assurance Company of the city of New-York ;" and that by that name they and their successors, shall and may have succession during the continuance of this act ; and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at pleasure ; and also that they and their successors, by the name of the "Washington Mutual Assurance Company of the city of New-York," shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation : *Provided,* That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of the said corporation, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments which shall have been obtained for such debts ; and with regard to all such lands, tenements and hereditaments so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagors, their heirs or assigns ; the said corporation shall be bound to sell and dispose of the same respectively within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years.

II. *And be it further enacted,* That the said corporation shall not directly or indirectly deal or trade in buying or selling any goods or commodities whatsoever, or in buying or selling any stock created by any act of the congress of the United States or of any particular state, unless by purchasing for the purpose of investing its capital stock, or any part thereof in the same, for the greater security, or by selling for the payment of its debts, or when such stock shall have been truly pledged to it by way of security of debts to the corporation, or for the re-payment of their deposits.

5 III. *And be it further enacted,* That it shall not be lawful for the president or a director of any other insurance company of the city of New-York, engaged in insuring houses and stores against loss by fire, to be president or director of the company incorporated by this act.

6 IV. *And be it further enacted,* That all persons who now are members of the said company, or shall at any time hereafter, insure, in or with the said company, or be allowed so to do, shall
7 be deemed and taken for members of the said corporation; and that the property and concerns of the said corporation shall be managed and conducted by eighteen directors, to be chosen by
8 ballot by and from among the members; that the several persons who now are directors for the said company, shall be directors of the said corporation, and shall continue in office for the periods
9 for which they were respectively elected, and that the election for directors shall be held on the second Tuesday in June in every year, in the city of New-York, between the hours of ten in the forenoon and two in the afternoon, at such place as a majority of the directors, for the time being, shall appoint; and public notice shall be given by the said directors in two of the newspapers printed in the said city, of such time and place, not more than fourteen days, nor less than seven days previous to the time
10 of holding the said election; that after the next election, one third part of the directors so elected, shall by an annual rotation go out of office, and six others shall in each succeeding year be elected in the stead of such directors going out of office, which rotation shall upon the said first election, be determined among the directors by lot, at such place within the city of New-York, as the
11 directors for the time being, shall think proper to appoint, and if any of the said directors shall remove from the city of New-York, die, or refuse, or neglect to act in their said office, for and during the space of six calendar months successively, then, and in every such case, another director shall and may be chosen by ballot, in the place of each director so removing, dying, refusing or neglecting to act as aforesaid, by a majority of the directors, or such of them as shall be present at the next monthly meeting of the corporation, after such vacancy shall so happen, which person so ap-
12 pointed shall be a director until the next general election: and in case it should happen that an election of directors should not be held on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day, to hold an election of directors, in such manner as the bye laws of the said corporation shall have prescribed.

13 V. *And be it further enacted,* That the directors shall not take or receive any compensation for their services as directors; and no person serving the corporation in the way of his trade or occupation, or being a debtor to the same, excepting on a policy of insurance, shall be chosen or qualified to serve as director of the said company.

VI. *And be it further enacted*, That the directors for the time 14 being, or a major part of them, shall have power to make and prescribe such bye laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the officers of the said corporation, and touching all such other matters as appertain to the business, ends and purposes which the said corporation is by this act entitled to ; and also shall have power to appoint so many officers, clerks and servants, for carrying on the business of the said corporation, and with such allowances as to them shall seem meet ; *Provided*, That such bye laws, rules and regulations, be not repugnant to the constitution and laws of the United States or of this state.

VII. *And be it further enacted*, That the directors shall meet on 15 the fourth Wednesday in every month and oftener, if need be ; and that there shall be a general meeting of the members of the said corporation, on the second Tuesday in January in every year, if any twelve of the directors, or any number of members insured to the value of twenty-five thousand dollars, or upwards, shall require the same ; that the directors shall cause notice to be given in two or more of the public newspapers, printed in the city of New-York, not more than fourteen days, nor less than seven days previous to the day of meeting ; and at least thirty-six members 16 of the said corporation shall be required to form a quorum ; and all meetings of the directors, and of the members, shall be held in such place and conducted in such manner as shall be, from time to time, prescribed by the bye laws of the said corporation ; and it shall be lawful for the members at any such meeting to 17 make or alter the bye laws, rules and regulations, which by this act are authorized to be made and prescribed by the directors ; *Provided*, Two thirds of the members present concur therein ; and the same shall not be altered or repealed but at a general meeting of the members.

VIII. *And be it further enacted*, That at the first meeting of 18 the directors in every year, next after the said annual election on the second Tuesday in June, they shall choose from among themselves one person to be president, who shall continue in that office for one year, and until another shall be appointed in his stead ; and it shall be the duty of the president to preside at all meetings of the directors, and all policies of assurance of the said corporation, shall be signed by the president, and countersigned by a secretary or clerk, and sealed with the seal of the said corporation ; and the said corporation may insure from loss by fire, 19 houses, stores and other buildings, and all policies of assurance which shall be made by the said corporation, in pursuance of this act, shall be made upon such terms and conditions, and for such periods of time and confined to such places, as shall be, from time to time, ordained and prescribed by the bye laws, rules and regulations of the said corporation ; and that until it shall be otherwise ordained and prescribed, they shall be made upon the

same terms and conditions, and for the same periods of time, and confined to the same places, as shall be, from time to time, ordained by the board of directors so far as the same are consistent with the regulations of this act.

- 20 IX. *And be it further enacted*, That no transfer of any policy of assurance of the said corporation shall be valid, until entered in the books of the company, and certified thereon by the secretary.

X. *And be it further enacted*, That this act be, and hereby is declared to be a public act, and that the same be construed in all courts and places, benignly and favourably, for every beneficial purpose therein intended.

- 21 XI. *And be it further enacted*, That it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contract for the payment of money only, except the same be under the seal of the said corporation, and all such notes, bills and contracts, shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred, than specialties at common law.

- 22 XII. *And be it further enacted*, That this act shall continue and be in force until the first day of March, one thousand eight hundred and twenty-five, and no longer.

F E M A L E Charitable Society.

C H A P. XCIX.

C O N T E N T S.

8. Accounts, annually to be laid before the Members.
9. Bye Laws, &c. Board of Direction authorized to make.
1. Company, Style and corporate Rights.—12. Duration of.
3. ——— Concerns of, to be managed by a Board of Direction.
4. Election, anniversary day of.
7. ——— If not held on the day appointed may be on any other.
2. Estate, amount thereof limited to 50,000 dollars.
10. Husbands, not bound for the engagements of their Wives, but accountable if they shall have received monies from them belonging to the Corporation.
11. In case of Insolvency, monies due the Corporation to be paid by Assignees in preference to all other Debts.
5. Vacancies in the Board of Direction, how supplied.

An ACT to incorporate the Society for the Relief of Poor Widows with small Children.

Passed April 2d, 1802.

WHEREAS a number of ladies in the city of New-York, have associated for the humane purpose of relieving the distresses of poor widows with small children, and by their peti-

tion, presented to the legislature, have prayed to be incorporated :
Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all such persons of the female sex, as now are, or hereafter shall be annual subscribers to the said association, shall be and hereby are constituted a body corporate, by the name of "The Society for the Relief of poor Widows with small Children ;" and by that name, shall have perpetual succession, and be in law capable of suing and being sued, defending and being defended in all courts and places whatsoever, and in all manner of actions and causes whatsoever ; and may have a common seal, and change the same at their pleasure ; and shall by that name be capable in law, of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation : *Provided,* That such estate shall never exceed in value fifty thousand dollars, nor be applied to any other purposes than the charitable one for which this incorporation is formed.

II. *And be it further enacted,* That the estate and concerns of the said corporation shall be managed and disposed of by a "Board of Direction," to be composed of a first and second directress, a secretary, a treasurer, and not less than six, nor more than twelve managers, (two thirds of whom shall be a quorum) to be elected by plurality of ballots of the members resident in the city of New-York, yearly, on the second Wednesday of November, at such place in the said city, and after such notice as the board of direction may, from time to time, by ordinance appoint ; and if any vacancy shall be occasioned by the death, resignation or removal of a directress, secretary, treasurer or manager, the same shall be filled for the remainder of the year by a special election, by a ballot as aforesaid, to be holden at such time and place in the said city, as the board of direction shall appoint ; and until the election on the first Wednesday of November next, Isabella Graham, shall be first directress, Catharine Wilkinson, second directress, Jane Harrison, secretary, Sarah Gould, treasurer, and Sarah Mills, Sarah Hoffman, Eliza Ann Seton, Mary Hofack, Helden Rogers, Susan Bogert, Frances Burrell, Ann Pierce, Mary Wyckoff, Isabella Smith, Mary Watts and Mary Murray, managers.

III. *And be it further enacted,* That if the annual election shall not be made on the stated day, the corporation shall not thereby be dissolved, but the members of the board of direction shall continue in office till a new election, which shall be made at such time and place, and after such notice as the board of direction shall prescribe.

IV. *And be it further enacted,* That the board of direction shall, at least, at every yearly election, exhibit to the members of the said corporation, an exact account of the receipts and disbursements of the preceding year.

V. *And be it further enacted,* That the board of direction may from time to time make bye laws and ordinances relative to the management and disposition of the estate and concerns of the said corporation, and the regulation of the persons exercising the offices aforesaid, not contrary to law.

- 10 VI. *And be it further enacted*, That the husband of any married woman, who is or may be a member or officer of the said corporation, shall not be liable to the said corporation for any loss occasioned by the neglect or misfeasance of his wife, or upon any subscription or engagement of his wife; but if he shall have received any money from his wife, belonging to the said corporation, or the same shall have been applied to his use, he shall be accountable therefor; and if the husband's goods shall be attached, or if he shall become insolvent, such money, if received after the passing of this act, shall be paid by the trustees or assignees of his estate, in preference to all other debts.
- 12 VII. *And be it further enacted*, That this act shall continue and be in force until the first day of March, one thousand eight hundred and ten, and no longer.

Surrogates.

C H A P. CX.

C O N T E N T S.

1. Guardians, chosen by Infants of 14 years, Surrogates to allow.
2. ——— Surrogates to appoint for Infants under that age.
3. ——— To give bond, in such sum as the Surrogate requires.
4. Persons conceiving themselves aggrieved may apply to the Chancellor for relief.
5. Surrogates' Fees, for services under this Act.

An ACT authorising Surrogates to appoint Guardians for Infants.

Passed April 5th, 1802.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful
- 2 for the surrogates of the respective counties of this state, to allow of guardians who shall be chosen by infants of the age of
- 3 fourteen years, and to appoint guardians for such as shall be within that age, in as full and ample manner as the chancellor of this state may or can appoint or allow of the same; and upon such allowance or appointment, such surrogate shall require from every such guardian so allowed or appointed, a bond, executed to such infant, in such penalty as such surrogate shall direct, not less than the value of the personal estate and the value of the rents and profits of the real estate of such infant, during his or her minority, with sufficient surety, conditioned that such guardian shall faithfully in all things, discharge the duty of a guardian to such infant, according to the laws of this state, and render a true and just account of such guardianship before any court having cognizance thereof when thereunto required: *Provided always*, That in case any person interested in the appointment or allowance of a guardian, as next of kin or otherwise, shall con-

ceive himself aggrieved thereby, it shall be lawful for any such person, within six months thereafter, to apply by petition, to the chancellor of this state for relief in the premises, who shall take such order for notifying the adverse party and for correcting any such proceedings as aforesaid, as he may deem equitable and just.

II. *And be it further enacted*, That the said surrogates shall be entitled to receive for services performed by virtue of this act, the following fees, to wit : For every allowance or appointment of a guardian, one dollar and fifty cents ; for every such bond, to be executed as aforesaid, fifty cents, and for all drafts and other services, to be performed in the premises, the same as are by law allowed such surrogates for the like duties in similar cases.

Jury Districts,

IN THE COUNTY OF CHENANGO.

C H A P. CXXI.

CONTENTS.

1. Judges and assistant Justices, may divide the said County into two Jury Districts.
2. Jury Boxes, four, to be provided by the County Clerk.
4. Jurors for the Trial of Issues, from which Box to be taken.
3. Slips of Paper, containing the names of Jurors, Clerk's duty respecting.

An ACT to divide the County of Chenango into Jury Districts.

Passed April 5th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the judges and assistant justices in the county of Chenango, may in their discretion, at their next term of the court of common pleas, to be held in and for the said county, on the first Tuesday of July next, divide the said county into two districts, as nearly equal as may be convenient, and shall cause the said division to be entered on the minutes of the court, which entry shall designate each of said districts.

II. *And be it further enacted*, That the clerk of said county shall immediately after the division of the said county, in manner as aforesaid, provide four jury boxes for said county, and shall mark on two of said boxes the name of one of the said districts, and on the remaining boxes the name of the other of the said districts ; and it shall be the duty of the said clerk to put the slips of paper containing the names of persons residing in each of the said districts, who are or shall be returned to him, in pursuance of the act, entitled " An act for regulating trials of issues, and for returning able and sufficient Jurors," into one of the boxes belonging to the district in which such persons shall severally reside.

III. *And be it further enacted*, That jurors for the trial of issues in the circuit court, court of oyer and terminer and gaol delive-

ry, and court of common pleas and general sessions of the peace, to be held in and for said county of Chenango, at any time after the first Tuesday of July next, shall be taken from one of the jury boxes belonging to the district in which either of the said courts is then next to be held, in the manner directed in and by the act herein recited, and as if each of the said districts were separate and distinct counties; any thing in the said act to the contrary notwithstanding.

Bog-Meadows.

IN C O R N W A L L.

C H A P. CIX.

C O N T E N T S.

1. A certain Bog-Meadow, the Proprietors conceive will be rendered fit for cultivation by draining.
- 3, 5. A Sum of Money to be raised to effect this object.
4. Commissioners, their duty in respect to draining said Meadow.
12. ——— May lease Lots of delinquent Proprietors.
13. ——— Where Ditches must be carried over adjoining lands, to agree with the Owner.
14. ——— If they cannot agree, Appraisers to be appointed.
15. ——— On accepting the appraisement & paying the amount, may direct Ditches to be cut.
2. Inspectors, to determine the quantity of land of each Owner.
10. Line Ditches, Proprietors wishing to have made, how to proceed for that purpose.
11. ——— How wide and deep to be cut.
6. Proprietors, annually to pay to the Treasurer a certain Sum.
- 5, 8. ——— How proceeded against, for neglect of Payment.
7. Treasurer, to be chosen at the annual meeting of Proprietors.
9. ——— Annually to render an Account to the Proprietors.

An ACT making Provision for draining a certain Tract of Swamp and Bog-Meadow, in the Town of Cornwall, in the County of Orange.

Passed April 5th, 1802.

- 1 **W**HEREAS there is a certain tract of swamp and bog-meadow, in the town of Cornwall, in the county of Orange, owned by David Jennings, Joseph Jones, William Edmunton, Benjamin Woodruff, Vincent Helmes and others, inhabitants of the said town, which is so far overflowed or drowned, as to render the same unfit for agricultural purposes; *And whereas*, The said proprietors of the said swamp and bog-meadow, conceive the same may be made fit for the culture of hemp, mowing and pasturage: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Seth Marvin, Jonathan Brooks and John D. Nicholl, or any two of them, or the survivors or survivor of them, shall be inspectors to finally settle and determine the number of acres of swamp and bog-meadow, belonging to each proprietor or occupant in said tract, which may in their opinion be benefitted by draining or ditching the same, which settlement and determination shall be delivered in writing to the treasurer, hereafter to be chosen by virtue of this act. 2

II. *And be it further enacted,* That for the purpose of draining the said swamp and bog-meadow, a sum not exceeding four hundred dollars, shall be paid by the proprietors and occupants thereof, in proportion to the number of acres they shall respectively own and possess, and that will be benefitted thereby, as settled by said inspectors ; and which sum shall be paid to Leonard Nicoll, Nathan White and William Moffat, commissioners, to be by them applied in paying all incidental charges that shall arise in or about the business of draining said swamp or bog-meadow, in such manner as they, or a majority of them may think proper, by cutting or causing to be cut, one or more main ditch or ditches, in such manner and in such direction, as to the said commissioners, or a majority of them, shall appear best calculated to carry the design of this act into effect. 3 4

III. *And be it further enacted,* That each proprietor or occupant, shall within three months after the said inspectors have settled and determined the respective proportions of the said sum, not exceeding four hundred dollars as aforesaid, pay the same to the said commissioners or either of them, and in default thereof, it shall be lawful for the said commissioners, or the survivors of them to recover the same, by due course of law, with interest and costs of suit. 5

IV. *And be it further enacted,* That for the defraying the expence of clearing and scouring such main ditch or ditches as shall be made by the direction of the said commissioners, for draining said swamp or bog-meadow, the proprietors or occupants thereof, for the time being, shall, for every acre, as settled by the said inspectors, pay such sum annually, not exceeding three cents, if a majority of them at their annual meeting shall think proper, to be computed from the first day of January, one thousand eight hundred and five, on or before the first day of May, in every year thereafter, to the treasurer, to be chosen annually by a majority of said proprietors, who shall meet on the first Monday in January for that purpose, at the dwelling house of William Edmunton, one of the said proprietors ; and in case any proprietor or occupant shall neglect to pay annually on the first day of May, such sum, not exceeding three cents per acre, as settled by the said inspectors as aforesaid, the treasurer for the time being may sue for and recover the same, before any justice of the peace in the said county, with interest and costs of suit ; which treasurer shall apply the money, or such part thereof as he may deem necessary, to clearing and scouring said ditch or ditches ; who shall also render an account 6 7 8 9

of the expenditure of said monies, to the said proprietors or occupants so met as aforesaid, and the monies, if any, the papers and accounts respecting said swamp or bog-meadow, he shall then deliver to the treasurer who may be chosen to succeed him.

10 V. *And be it further enacted*, That any proprietor or occupant who shall be desirous of having one or more line ditch or ditches made, shall give at least thirty days notice of his or her intention, to the person or persons owning or possessing the part or parts adjoining; and if after such notice, any person or persons shall neglect or refuse to make one equal half part of such line ditch or ditches, the person so giving notice may proceed to dig such ditch or ditches, and may sue the other party or parties respectively, for the one half of the expence thereof, before any justice of the peace of said county, and receive the same with interest and costs of suit.

11 VI. *And be it further enacted*, That all line ditches as aforesaid shall be cut four feet wide, and two and an half feet deep, unless the parties shall otherwise determine and agree.

12 VII. *And be it further enacted*, That the commissioners aforesaid are hereby authorized to dispose of at public auction for a term not exceeding ten years, giving at least six months previous notice thereof by advertisement inserted in one of the public newspapers of said county, any lot or lots contained in said swamp or bog-meadow, the owner or owners thereof neglecting or refusing to pay the same sum or sums assessed thereon by the said inspectors, and give a lease or leases for the same to any person or persons who may purchase said lot or lots.

13 VIII. *And be it further enacted*, That in case the said commissioners shall find it necessary to continue such ditch or ditches over lands adjoining the said tract of swamp or bog-meadow aforesaid, for the purpose of draining the same more effectually, the commissioners aforesaid are hereby authorized to agree and settle with the owner or owners of said lands for such damages as is likely, in their opinion, to be sustained, by such owner or owners in consequence of the ditch or ditches they shall make for draining the said swamp or bog-meadow, and pay such sum or sums as shall be agreed on, out of the said sum of four hundred dollars or such other sum as shall be raised for the purpose of ditching

14 said swamp or bog-meadow; and if they do not agree as aforesaid, on application by the said commissioners for that purpose, the judges of the court of common pleas of said county (not interested in the premises or a majority of them, are hereby authorized to appoint three reputable freeholders in the said county, not interested in the said lands, to appraise and ascertain what damage, if any, the owner or owners of such lands may probably sustain by means of ditching or draining said swamp or bog-meadow; and if the said commissioners, or a majority of them, shall judge proper to pay such appraisement to the owner or owners, they may, upon payment of the same, proceed to cut, or direct the cutting such ditch or ditches, as said commissioners may deem proper and necessary, any law to the contrary notwithstanding.

IN NEW-WINDSOR.

C H A P. XXVI.

CONTENTS.

Proprietors to pay an additional Sum of Money.

An ACT supplementary to the Act making Provision for Draining a certain Tract of Swamp and Bog-Meadow, known by the Name of the Beaver-Dam, in the Town of New-Windsor, in the County of Orange.

Passed March 8th, 1802.

WHEREAS the commissioners appointed in and by the said act, have by their memorial presented to the legislature, represented that an additional sum, not exceeding four hundred dollars, is necessary for the completion of the object contemplated in the said act: Therefore,

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the persons empowered in and by the said act, for raising a sum of four hundred dollars on the proprietors of the said tract, to demand and receive from the said proprietors, in the manner and for the purposes in the said act prescribed, an additional sum not exceeding four hundred dollars.*

Public Lands.

IN THE ONEIDA RESERVATION.

C H A P. XXXVI.

CONTENTS.

1. Surveyor-General, to execute Conveyances to certain persons for the Lands they have made proposals for.
3. Application for conveyances, to be made within twelve months.
2. Mortgages, to be taken on said Lands for security.
4. Oneida Reservation, certain Lines of, to be surveyed.

An ACT supplementary to the Act, entitled "An Act for the Sale of Lands in the Oneida Reservation to Persons therein named, passed April 8th, 1800."

Passed March 16th, 1802.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the surveyor general to execute conveyances, on behalf of the people of this state, to the several persons named in the said recited act, for such lands as they have made proposals in pursuance

- of the same act, to purchase of the state; and for such price as the said surveyor general has, in his report to the legislature, estimated the same to be worth, payable at the expiration of eight years, with interest thereon, at six per cent per annum, to be paid annually; the same conveyances to be made and mortgages taken on the land contained therein, as near as may be conformably to the directions of the act, entitled "An act for the better support of the Oneida, Onondaga and Cayuga Indians, and for other purposes therein mentioned," passed April 9th, 1795: *Provided*, That application be made to the said surveyor general for the conveyances aforesaid, within twelve months, from and after the passing of this act; *And provided further*, That the said surveyor general shall previously cause any line or lines of the Oneida reservation contiguous to the said lands that have not been ascertained, to be first run and surveyed.

IN HANNIBAL AND SALINA.

C H A P. LXXXVIII.

CONTENTS.

The Time for executing Deeds to certain Purchasers of Lots, and for the Payment of the purchase Money by them, extended to 1st October next.

An ACT further to extend the Time for the Payment of the purchase Money, for certain Lots of Land in the Town of Hannibal, and in the Village of Salina, and for other Purposes.

Passed April 1st, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time limited by the act, passed the 1st of April, 1800, entitled "An act to amend an act entitled "An act concerning the Salt springs, in the county of Onondaga," passed the 30th of March, one thousand seven hundred and ninety-eight, and to amend an act for laying out part of lot number one, in the county of Onondaga into lots, and for other purposes therein mentioned, passed the 3d day of April, one thousand seven hundred and ninety-seven, authorising the surveyor-general to execute deeds of conveyance, to certain purchasers of lots in the town of Hannibal, and in the village of Salina, in the county aforesaid, and directing such purchasers to pay the purchase money to the said surveyor general, shall be and the same is hereby extended to the first day of October next, for the purposes aforesaid, upon the terms and conditions in the said recited acts prescribed.

A GRANT TO THE UNIVERSITY.

C H A P. CV.

CONTENTS.

1. Lands, adjoining Lake-George, vested in the Regents of the University.
2. Former Grant, so far as it included Lands not herein described, void.
3. Regents authorized to grant certain Lands to Columbia and Union Colleges.

An ACT to amend the Act, entitled "An Act for the Encouragement of Literature."

Passed April 3d, 1802.

WHEREAS it appears from a report of the surveyor-general, that the grant of a certain tract of land in the county of Washington, adjoining the south end of Lake-George, to the regents of the university, in and by the act, entitled "An act for the further encouragement of literature," interferes with the bounds of lands previously granted; and the regents having prayed for a grant of other lands adjoining the same, and in lieu thereof, to enable them the more effectually to fulfil the purposes for which the grant of those lands was intended: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the said regents of the university, and their successors, shall be and hereby are vested with the seisin and possession of the lands hereafter described, belonging to the people of this state; that is to say, a certain tract of land in the county of Washington, adjoining the south end of Lake-George, beginning on the east shore of the said lake, where the westerly bounds of a tract of two thousand acres granted by letters patent to William Houghton strikes the same, and running thence along the said Houghton's tract southerly and westerly to the northwest corner thereof, then with a straight line to the most westerly corner of a tract of two hundred acres granted by letters patent to John Jones, then along the southerly bounds thereof to Lake-George, and then along the same southerly, easterly and northerly, to the place of beginning, containing one thousand seven hundred and twenty-four acres of land; and the former grant to the said regents, so far as the same included lands not herein described, shall be void.

II. *And be it further enacted,* That it shall be lawful for the said regents to grant and convey to the trustees of Columbia and Union colleges, and their successors, the lands above described, together with the lands at Ticonderoga and Crown-Point already vested in the said regents, in such proportions, as they shall deem just and reasonable, for the use of the said colleges respectively.

UNAPPROPRIATED LANDS.

C H A P. CXII.

CONTENTS.

1. Commissioners of the Land Office, to direct the survey of certain Lands.
8. Forfeited Lands, persons in possession of, may purchase.
18. Intrusions on Lands of the State, duty of the Attorney General, District Attorney and Grand Jurors respecting.
14. Lands, to be surveyed and granted to certain Oneida Indians.
15. ——— Not to be aliened by them.
6. Reservation Lands, persons in possession of, may purchase.
10. Roads, Monies received for certain Taxes appropriated for opening and repairing.
- 11, 13. Commissioners appointed to apply said Monies.
12. ——— Monies to be paid them by the Treasurer.
2. Surveyor-General, his duty in respect to the survey and price of certain Lands.
4. ——— His duty, where improvements are made on Lands.
9. ——— Monies to be paid him to enable him to execute this act.
16. ——— To convey a lot of land to Joseph Forbes, on condition.
17. ——— To ascertain the value of Lot No. 1, in Milton.
- 5, 7. ——— To fix the price of certain Lots in the Reservations.
3. ——— To make a report in the premises to the Legislature.

An ACT relative to the unappropriated Lands of this State, to prevent Intrusions, and for other Purposes.

Passed April 5th, 1802.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office shall, from time to time, direct the surveyor-general to make surveys of such tracts of the lands belonging to this state, not reserved for or appropriated to special purposes, as they may deem best for promoting the settlement thereof, whereupon
- 2 it shall be the duty of the surveyor-general to cause the lands so directed to be surveyed, to be run out and marked into lots of one hundred and sixty acres each, as nearly as may be, and as nearly in squares as circumstances will admit; and as often as any tract of land shall be so surveyed, the said surveyor-general shall ascertain and fix the price per acre of each lot in the tract
- 3 so ordered to be surveyed, and shall report the same, with maps of such surveys, and a field book containing information relative to the quality and situation of such lands to the legislature at their next meeting.
- 4 II. And be it further enacted, That if within any tract directed by the commissioners of the land-office to be surveyed as aforesaid, there shall be any improvements, it shall be the duty of the surveyor-general, as far as a regular survey will admit thereof, to cause a lot, not exceeding one hundred and sixty acres, to be laid

out for and comprehending every such improvement; *Provided*, The same shall have been made before the passing of this act, and be estimated to be of the value of sixty dollars.

III. *And be it further enacted*, That the surveyor-general shall ascertain and fix the price of each of the lots in the several tracts, commonly called the Oneida, Onondaga and Cayuga reservations, that have heretofore been directed to be exposed to sale and have not been disposed of, and thereupon the person or persons in the possession and improvement of any of the said lands at the time of passing this act, shall be admitted to purchase such lands at the valuation aforesaid; *Provided*, The same shall be approved of by the legislature, and upon such terms and conditions as shall be prescribed by law; *Provided always*, That the price of any improved land shall be ascertained and fixed as aforesaid, without regard to any improvement made thereon.

IV. *And be it further enacted*, That the foregoing provision in favour of persons in the possession and improvement of lands, shall be and is hereby extended to lands forfeited to the people of this state by the attainder or conviction of the proprietor thereof.

V. *And be it further enacted*, That it shall and may be lawful for the treasurer of this state, upon the warrant of the comptroller, to pay to the said surveyor-general such sum of money, not exceeding one thousand dollars in the whole, as he may require, to enable him to execute this act; for the expenditure of which monies he shall account with the said comptroller.

VI. *And be it further enacted*, That the monies assessed for taxes on unfeated lands in the late town of Mexico, in the county of Oneida, in the year 1799 and 1800, over and above the sum that would have been payable thereon, provided such assessment had been made agreeably to the valuation completed under the authority of the United States, (such excess being fifty per cent upon all tracts over one thousand acres,) shall be and hereby are appropriated to the opening and improving such great roads in the said district of country as may be most conducive to the interest of the state, and beneficial to the inhabitants, regard being had to the land on which such assessment was made.

VII. *And be it further enacted*, That the commissioners hereafter named shall apply and expend the monies above appropriated in opening and improving the great road from Rome, through Western and Redfield, and thence through the township number seven, lying north of Redfield, and from thence through number one and number seven on Sandy-creek, making such deviations as may be necessary for making the road better, and from thence opening the road by the best route to Bafon-harbour, at the mouth of Black-river, and for opening and improving such other roads as the said commissioners may deem most necessary and useful in the said district of country, having reference to the principle of distribution aforesaid.

VIII. *And be it further enacted*, That it shall and may be lawful for the treasurer of the state, on the warrant of the comptroller, to pay to the commissioners hereinafter named, the monies

above appropriated, as the same shall be in the treasury paid by the proprietors of the said lands.

- 13 IX. *And be it further enacted*, That Nathan Sage and Peter Colt, be, and they hereby are appointed commissioners for opening and repairing the roads above mentioned, who shall account with the comptroller for the expenditures of the monies they may receive in pursuance of this act, and for their services.
- 14 X. *And be it further enacted*, That it shall and may be lawful for the surveyor-general to survey and grant to Lewis Denney, Lewis Denney, jun. Martin Denney and Jonathan Denney, of the Oneida tribe of Indians, and their heirs, as tenants in common, three hundred and twenty acres of land, as soon as the treaty with the Oneida nation of Indians shall be completed for purchasing the same, beginning at the southwest corner of the land occupied by Myndert Whipple, and running thence westerly one mile along the road, and from thence northerly, easterly and southerly to the place of beginning, so as to make the said three hundred and twenty acres, on their paying into the treasury the sum of three hundred and twenty dollars: And it shall and may be lawful for the person administering the government of this state, his agent or agents in the treaty to be held with the Oneida nation of Indians, to make such stipulations as may be agreed on for granting to the said Lewis Denney, Lewis Denney, junior, Martin Denney and Jonathan Denney, three hundred and twenty acres of land adjoining and northward of the said first mentioned
- 15 three hundred and twenty acres: *Provided*, That said land shall not be aliened by said grantees.
- 16 XI. *And be it further enacted*, That it shall be lawful for the said surveyor-general to convey on behalf of the people of this state, to Joseph Forbes, such lot of land in the late Oneida reservation as may be of equal quality with the land in general in said reservation, on his the said Joseph's first paying into the treasury of this state, one eighth part of the purchase money, and securing the residue, computing the price at three dollars and fifty-three cents per acre, by a mortgage on the premises, payable in eight years with an interest of six per cent per annum, to be paid annually thereon.
- 17 XII. *And be it further enacted*, That it shall be the duty of the said surveyor-general, to ascertain the value of lot number one, in the township of Milton, in the county of Cayuga, and report the same to the legislature at their next session, with the names of the residents on said lot.
- 18 XIII. *And be it further enacted*, That the attorney general and the several district attorneys within their respective districts, shall file information against all such persons as shall be guilty of trespass or intrusion on, or be found in the possession of any lands belonging to the people of this state, as are or shall be set apart by law for special purposes; and it is hereby made the special duty of grand jurors to enquire into and present, and of the attorney general and of the several district attorneys, within their respective districts, to use the utmost diligence to discover and prosecute offenders in the premises.

Quit Rents.

C H A P. CXIV.

CONTENTS.

The Time limited for the Remission and Commutation of Quit Rents, extended to 1st November next.

An ACT to extend the Time for the Remission and Commutation of certain Quit Rents.

Passed April 5th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time limited by the third section of the act, entitled "An act concerning quit-rents," passed the 8th day of April, 1801, for the remission and commutation of quit rents in certain cases therein mentioned, shall be and the same is hereby extended to the first day of November next, upon the terms and conditions prescribed in and by the said section of the act aforesaid.

Treaties.

SR. REGIS INDIANS.

C H A P. XXXIII.

CONTENTS.

1. Gov. and Surveyor-Gen. authorized to treat with the St. Regis Indians for the extinguishment of claims to certain Lands.
2. Or they may purchase said lands of the Patentees.
3. To report to the Legislature, if they cannot be purchased.
4. Parts of the act hereby amended, repealed.

An ACT to amend the Act, entitled "An Act for holding a Treaty with the St. Regis Indians, and for the Relief of William Gray and Jacob Dockstader."

Passed March 8th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for his excellency the governor and the surveyor-general to treat with the St. Regis Indians for the extinguishment of their claims to the mile square, and the meadows on Grasse-river, ceded to them in the year one thousand seven hundred and ninety-seven, on such terms as they shall deem most conducive to the interest of the state; or to purchase the same from the individuals to whom it had been granted by the state, before it was ceded to the said In-

dians, in case the latter purchase can be made on more favourable terms, than the extinguishment of the Indian claim.

- 3 II. *And be it further enacted*, That in case the said lands cannot be purchased of the said Indians or the said patentees at a reasonable price, his excellency the governor shall represent the same to the legislature, that further provision may be made respecting those claims.
- 4 III. *And be it further enacted*, That the first clause of the said act, except that part which relates to the procuring the appointment of a commissioner on the part of the United States to attend the holding of the said treaty, and the fourth clause thereof, be and the same is hereby repealed.

SENECA INDIANS, &c.

C H A P. XLVII.

CONTENTS.

1. Governor or his Agents, to hold a Treaty with the Senecas for the extinguishment of their claim to certain Lands.
4. ——— May purchase the Cayuga & Onondaga reservation Lands.
5. ——— May draw Monies from the Treasury, for these purposes.
2. Lands, for a Military Post, to be conveyed to the United States.
3. Such Conveyance, not to prejudice certain rights & privileges.
6. Stipulations may be made for a grant of lands to J. Parish and H. Jones.

An ACT for holding a Treaty with the Seneca Nation of Indians, establishing a Military Post near Lake-Erie, and for other Purposes.

Passed March 19th, 1802.

WHEREAS it is necessary that a treaty be held with the Seneca nation of Indians, to extinguish their claim to lands east of Lake-Erie, to enable this state to cede their jurisdiction or sell to the United States a sufficient quantity of the said land at the eastern extremity of Lake-Erie, at a place called the Black-Rock, as may be sufficient for the establishment of a military post: Therefore,

- 1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the person administering the government of this state, or his agent or agents, to hold a treaty (on the part of the people of this state) with the Seneca nation of Indians, to extinguish their claim to the whole or such part of their lands at the east end of Lake-Erie, of one mile wide, on Niagara-river, from Buffaloes-creek to Stedman's farm, including Black-Rock, with so much land adjoining as shall be sufficient for establishing a military post, on such payments and annuities as he or they shall judge most conducive to the interest of this state.
- 2 II. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state, for and

on behalf of this state, to convey to the United States, after the extinguishment of the claim of the said Indians as aforesaid in fee simple, such part of the said land, at the eastern extremity of Lake-Erie, at a place called Black-Rock, as may be sufficient for the establishment of a military post, the United States paying therefor, the expence of holding the said treaty, or such part thereof as the person administering the government of this state shall judge reasonable; *Provided always*, That nothing in the foregoing grant to the United States shall be construed so as to pre-
 3
 judice the right of portage of the people of this state along the said river through the tract of land which may be so conveyed; and the privilege of a road along the shore of Lake-Erie, and of a ferry across the Niagara-river at Black-Rock; *And provided further*, That such conveyance shall in no wise prevent the execution of any process, civil or criminal, issuing under the authority of this state within the bounds of the land so to be conveyed, and such conveyance shall expressly contain such condition.

III. *And be it further enacted*, That it shall and may be lawful
 4
 for the person administering the government of this state, or his agent or agents, at the said treaty, to purchase from the Cayuga and Onondaga nations of Indians, all or such part of their lands, called their reservation lands, on such terms as he or they may deem expedient.

IV. *And be it further enacted*, That it shall and may be lawful
 5
 for the person administering the government of this state, to draw from the treasury a sum not exceeding five thousand dollars, for defraying the expence of the said treaty, and for paying such part of the purchase money for the said lands as may be necessary.

V. *And be it further enacted*, That in holding the said treaty,
 6
 it shall and may be lawful for the person administering the government of this state, or his agent or agents, to stipulate with the said Seneca nation for the granting to Jasper Parish and Horatio Jones, such quantity of land, not exceeding one mile square, to each of them separately, and to their respective heirs and assigns, for ever, at such place or places within the tract of one mile wide, on Niagara-river as aforesaid, as shall at such treaty be agreed on.

State Treasurer.

C H A P. III.

CONTENTS.

1. Robert M'Clallen, continued in office.—2. His Salary.

An ACT to continue the Treasurer of this State in Office.

Passed February 10th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented
 in Senate and Assembly, That Robert M'Clallen, shall be
 1

and hereby is continued in office as treasurer of this state, until sixty days after the rising of the legislature, at their next meeting after the first day of January next.

- 2 II. *And be it further enacted*, That the said Robert M^cClallen, shall be allowed to retain as a compensation for his services and expences, including clerk-hire, office-hire and stationary, the sum of sixteen hundred dollars a year, in quarterly payments, for which the comptroller shall give his warrant as the same shall become due.

City of New-York.

C H A P. II.

C O N T E N T S.

1. City Tax, time for the payment thereof, extended.
2. City Treasurer, inhibited from issuing his warrant, till June.
4. Collectors to make monthly payments, under a penalty of 500 dollars.
3. State Tax, time of payment not prolonged by this act.

An ACT for the Relief of the Collectors of Taxes in the City and County of New-York.

Passed February 8th, 1802.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time limited by law for the collectors of taxes in the city and county of New-York, to pay the amount of taxes by them to be collected, for defraying the public or necessary contingent charges of the said city and county, and to settle their accounts of the same with the chamberlain or treasurer of the said city and county, shall be and hereby is (in the present year) extended to the first Monday in May next; and the said chamberlain or treasurer, is hereby inhibited (in the present year) from issuing any warrant or warrants against the said collectors or any of them, for the collection of the said taxes, until the first Monday in June next, any thing in the act for the assessment and collection of taxes to the contrary notwithstanding: *Provided always*, That nothing herein contained shall be construed to prolong the time for paying the amount of the state tax, to be collected in the said city and county, and settling the accounts of the collectors of the same.
- 4 II. *And be it further enacted*, That the said collectors shall severally on the first Monday in each and every month, under the penalty of five hundred dollars, pay to the said chamberlain or treasurer, the monies by them from time to time collected, and exhibit to him their respective rolls when thereunto required.

C H A P. C.

CONTENTS.

1. 3. Com. Council, may order the raising two several sums by tax.
2. 4. ——— To what objects to apply the monies so to be raised.
5. Collectors, compensation to them.
7. Inspectors, who to perform that office at the next State Election.
10. ——— Of the next Election for Charter Officers.
9. Places for holding the Elections, Mayor & Recorder to appoint.
6. Treasurer, his compensation.
8. Vacancy in the office of Assessor or Collector, how filled.

An ACT to enable the Mayor, Recorder and Aldermen of the City of New-York, to order the raising Monies by Tax, for the Maintenance of the Poor, and for defraying the Expences arising in the City and County of New-York, and for other Purposes.

Passed April 3d, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or the major part of them, of whom the mayor or recorder shall be one, be and they are hereby authorised and empowered, as soon as conveniently may be, after the first day of May next, to order the raising a sum not exceeding forty-five thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants within the said city and county of New-York, to be applied to the support and maintenance of the poor of the said city and county, the support and repairs of the bridewell, the support and maintenance of criminal prisoners in the same, the making, repairing, regulating and improving the public roads and streets, the defraying of other contingent expences arising within, and properly chargeable to the said city and county, and to make up the deficiencies upon former taxes arising from insolvents, and the fees of collection not heretofore provided for : And also a further sum, not exceeding thirty thousand dollars, by a tax on the estates real and personal, of the freeholders and inhabitants within the said city, to the southward of a line beginning at the outlet of the meadow of Anthony Lispenard, into Hudson's river ; thence extending to and along the north side of the dwelling house late of Nicholas Bayard, deceased ; thence along the middle of William-street to and across the Bowery-lane to Bullock-street, and thence along the middle of Bullock-street to the East-river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the said city, in common council convened, shall from time to time determine to be necessary for guarding the said city, to the purchase of oil, providing lamps, and repairing and attending those which now are or hereafter may be erected in the said city, to the cleansing, repairing and making the public wells

and pumps in the said city, to defraying the other contingent charges arising in and properly chargeable to that part of the said city which lies to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened may from time to time direct, and for supplying the deficiencies of former taxes, upon the same part of the said city; owing to insolvencies and fees of collection as aforesaid.

5 II. *And be it further enacted*, That it shall be lawful for the collectors of the first, fourth, fifth and sixth wards of the said city, to retain in their hands four cents of each dollar; and for the collectors of the seventh ward of the said city, to retain in their hands five cents of each dollar; and the collectors in the several other wards of the said city, to retain in their hands three cents of each dollar by them collected, and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, 6 such sums of money as shall be raised by virtue of this act; and that it shall be lawful for the said treasurer, to retain in his hands seven mills for each dollar, and no more, for his trouble, in receiving and paying the said monies.

7 III. *And be it further enacted*, That in case the mayor, aldermen and commonalty of the said city, in common council convened, shall neglect to appoint inspectors of the next annual election, to commence in the said city on the last Tuesday of April next, in conformity to the second section of the act, entitled "An act for regulating elections," it shall be the duty of the assessors and collectors of taxes, of the respective wards of the said city, and they or any two of them are hereby required, upon notice thereof from the mayor, or in his absence, the recorder of the said city, to perform and execute the office of inspectors of such election, in the manner prescribed to inspectors by the said act; and for that purpose are hereby invested with the like powers, and subjected to the like penalties, in case of mal-conduct or neglect of any duty, therein imposed upon inspectors of elections.

8 IV. *And be it further enacted*, That if any vacancy should happen, in either of the wards of the said city, by death, removal or refusal to act, of either of the said assessors or collectors, it shall be 9 lawful for the mayor and recorder, or either of them to appoint some other person to fill such vacancy.

V. *And be it further enacted*, That it shall be the duty of the mayor and recorder, or either of them, to appoint the place where such election shall be holden in the several wards, and shall notify the persons who are hereby authorized to preside at such elections, and publish such notice in not less than two of the public newspapers printed in the city of New-York, at least twelve days previous to such election.

10 VI. *And be it further enacted*, That in case of accident, or from any other cause, inspectors of the next annual election of charter officers in the said city, should not be appointed agreeable to the act, entitled "An act to regulate the election of charter officers in the city of New-York," then and in such case, it shall and may be lawful for the mayor and recorder, or either of them, to appoint

any one of the assessors, of the respective wards of the said city, inspectors, to hold such elections; *Provided always*, That such election shall, in every respect, be conducted according to the directions prescribed in and by the act, entitled "An act to regulate the election of charter officers in the city of New-York."

City of Albany.

C H A P. CIV.

CONTENTS.

1. Common Council to order the raising a sum of money by tax.
2. ——— To apply the same in support of Watchmen & Lamps.
3. Tax, how to be assessed and collected.
4. Chamberlain, to publish a Statement of Monies received, &c.
5. Superintendents of Highways, monies stated to be due them.
6. ——— Their accounts, Supervisors of the County to audit & pay.

An ACT to provide for defraying the Expence of Lighting the Lamps, supporting a Night-Watch in the City of Albany, and for other Purposes.

Passed April 3d, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the mayor, aldermen and commonalty of the city of Albany, to order a sum not exceeding three thousand five hundred dollars to be raised by a tax on the estates real and personal, of the freeholders and inhabitants of the said city, residing within half a mile of Hudson's river, for the payment of so many watchmen as the said mayor, aldermen and commonalty have employed, or shall employ for one year, and of the expence for one year of lighting the lamps that now are, or within that period may be put up within the said city.

II. *And be it further enacted*, That the sums of money directed to be raised as aforesaid shall be assessed and collected in the manner prescribed by the act, entitled "An act for the assessment and collection of taxes," passed the 8th April, 1801.

III. *And be it further enacted*, That the chamberlain of the city of Albany shall publish, as soon as it conveniently can be done, a statement of the monies received and expended by virtue of this act, in one or more of the public newspapers printed in the city of Albany.

IV. *And whereas*, John Glen, Francis Nicoll and Garrit Witbeck, late superintendents of highways in the county of Albany, have, by their petition to the legislature stated that they have expended the sum of one hundred and seventy-three dollars and twenty-seven cents, in building and erecting bridges, over and above the monies in their hands collected, for the purpose of improving the

- highways, which sum they pray to be reimbursed : Therefore, *Be it further enacted*, That it shall and may be lawful for the supervisors of the county of Albany, to audit the accounts of the said John Glen, Francis Nicoll and Garrit Witbeck, and they are hereby required to pay the above balance, if such should be found due, out of any monies raised, or to be raised for the contingent expenses of the said county.

Road.

C H A P. LXI.

C O N T E N T S .

1. Alterations, in the Road from Albany to Orange, it is stated would be of extensive utility.
2. Commissioners, to explore the Country on said Route.
3. To report to the Legislature the necessary alterations, &c.
4. Their compensation—5. By whom to be allowed and paid.

An ACT respecting the Road leading from the City of Albany to the Orange County Turnpike.

Passed March 30th, 1802.

- 1 **W**HEREAS alterations in many parts of the road, leading from the city of Albany to Kingston, in Ulster county, and from thence to the turnpike road, in the county of Orange, at or near the house of Moses Cunningham, would be of extensive public utility : Therefore,
- Be it enacted by the People of the State of New-York, represented in*
- 2 *Senate and Assembly*, That it shall and may be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, as soon as convenient after the passing of this act, to appoint four discreet and reputable freeholders, one in the county of Greene, one in the county of Ulster, one in the county of Orange, and one in the county of Albany ; whose duty it shall be to meet in the village of Kingston, on or before the first Monday in July next, and proceed
- 3 to examine and explore the country on the route aforesaid, and report to the legislature, at their next meeting, what alterations in their opinion will be necessary and proper in the road aforesaid ; and the probable expenses that may be consequent on such alterations, and also designate by particular marks and descriptions, where the said road does or ought to cross the boundary lines of the respective towns through which it may pass ; and also such other matters and things as they may deem necessary,
- 4 for the information of the legislature in the premises ; and the commissioners aforesaid shall be allowed three and an half dollars each, including expenses, for every day they shall or may be em-

ployed in the service aforesaid, to be paid in maner following, to wit : They shall make and subscribe with their proper names 5 and hand writing, an account of their services aforesaid, and present one copy thereof to the supervisors of the county of Albany, one other copy thereof to the supervisors of the county of Greene, one other copy thereof to the supervisors of the county of Ulster, and one other copy thereof to the supervisors of the county of Orange, who shall at their respective annual meetings in October, audit the same and direct one fourth part thereof to be assessed, collected and paid, as part of the contingent expences of the several counties to which they respectively belong.

Court Houses and Gaols.

ONEIDA COUNTY.

C H A P. VIII.

CONTENTS.

1. Supervisors to order a sum of Money to be raised by Tax.
2. When collected to be paid into the County Treasury.
3. Treasurer to pay the same to the Commissioners appointed to superintend the building the Gaol.
4. Commissioners to account with the Supervisors.

An ACT for raising a further Sum of Money for completing the Gaol in the County of Oneida.

Passed February, 20th 1802.

WHEREAS the supervisors of the county of Oneida, have by their petition requested that a further sum of money may be directed to be raised for completing the gaol thereof: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the supervisors of the county of Oneida, be and they are hereby authorized and required, to direct to be levied and raised on the freeholders and inhabitants of said county, the sum of five hundred and thirty-nine dollars, with an additional sum of five cents on the dollar for collecting the same; which sum shall be raised, levied and collected in like manner as the contingent charges of the said county are by law levied and collected.

II. *And be it further enacted,* That the said sum of five hundred and thirty-nine dollars, shall be collected and paid into the treasury of the said county, on or before the first day of February next, and the treasurer of the said county is hereby required and directed to pay the said sum of five hundred and thirty-nine dollars, to the order of the commissioners appointed to superintend the building of said gaol, retaining in his hands the sum of one cent on the dollar, for receiving and paying out the same.

- 4 III. *And be it further enacted*, That the said commissioners shall account with the supervisors of the said county, for the money so by them to be received and expended for the purposes aforesaid.

O R A N G E C O U N T Y .

C H A P . X .

C O N T E N T S .

1. Supervisors to order a sum of Money to be raised by Tax.
2. For improving the Court House and Gaol at Goshen,
3. Commissioners to be appointed to superintend the same.
5. ——— To account with the Supervisors.
4. Treasurer, his Duty.—5. His Compensation.

An ACT to enable the Supervisors of the several Towns in the County of Orange, to raise the Sum of Three Thousand Two Hundred Dollars for the Purposes therein mentioned.

Passed February 20th, 1802.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the several towns in the county of Orange, for the time being, or a majority of them, shall be and are hereby authorized to direct to be raised and levied, on the freeholders and inhabitants of the
- 2 said county, the sum of three thousand two hundred dollars, for the purpose of raising the court house and gaol in the town of Goshen, in the said county, one story higher, and to make the prison rooms on the third floor, and to repair the same, with the additional sum of five cents on each dollar for collecting the same; which sum shall be raised, levied and collected, in the same manner as the other necessary and contingent charges of the said county are levied and collected.
- 3 II. *And be it further enacted*, That it shall be lawful for the supervisors of the said county, or a majority of them, to appoint commissioners to superintend the altering and repairing the court house and gaol in the town of Goshen, in the county aforesaid; and the said commissioners, or a major part of them, may contract with workmen and purchase materials for altering and repairing the same, and shall from time to time draw upon the treasurer of the said county, for such sums of money for the purposes aforesaid, as shall come into the treasury by virtue of this act; and
- 4 the treasurer is hereby required out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of
- 5 money to be by them drawn for; and it is hereby made the duty of such commissioners, so to be appointed, to account with the supervisors of the said county, for the monies which they shall have received from the treasury when thereunto required.

III. *And be it further enacted, That it shall and may be lawful* 6
for the treasurer to retain in his hands the sum of one cent on
each dollar, for his trouble in receiving and paying out the mo-
nies directed to be raised by this act.

GREENE COUNTY.

C H A P. XX.

CONTENTS.

1. Supervisors, to direct the raising a Sum of Money by Tax.
2. Treasurer, to pay to the Commissioners superintending the finishing the Gaol, the said Money as it comes into his hands.
3. Commissioners to account for the expenditure of said Money.

An ACT for raising a further Sum of Money for completing the Gaol in the County of Greene.

Passed March 3d, 1802.

I. **B**E it enacted by the People of the State of New-York, represent-
ed in Senate and Assembly, That the supervisors of the 1
county of Greene, be and they are hereby empowered and di-
rected to raise and levy on the freeholders and inhabitants of the
said county, a sum not exceeding two thousand six hundred and
seven dollars, and thirty-four cents, with the additional sum of
five cents on each dollar for collecting the same, and one cent on
each dollar for treasurer's fees, which said sum shall be raised,
levied and collected in the same manner as the other necessary
and contingent charges of the said county are raised, levied and
collected.

II. *And be it further enacted, That the treasurer of the said* 2
county, shall pay over the money so to be collected, as the same
shall come into his hands, to the said commissioners or to some
one of them, and the commissioners or commissioner, who shall 3
superintend the finishing of the said gaol, shall account with the
board of supervisors, for the expenditure of the said money, when
thereunto required.

CLINTON COUNTY.

C H A P. LV.

CONTENTS.

1. Supervisors, to order the raising 1500 Dollars by Tax.
2. Commissioners, to be appointed to superintend the building a Court House and Gaol.
3. ——— To make Contracts, receive and—5. account for Monies.
7. ——— To expend a certain sum on a Building in Plattsburgh.
- 4, 8. Treasurer, his duty.—6. His compensation.
- 2, 9. Powers to the Judges, Assistant Justices and Supervisors.

An ACT for building a Court House and Gaol in the County of Clinton.

Passed March 26th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the several towns in the county of Clinton, for the time being, or a majority of them, shall be and hereby are authorised to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of fifteen hundred dollars for building a court house and gaol in the said county, with the additional sum of five cents on each dollar for collecting the same, which said sum shall be raised, levied and collected, in the same manner as the other necessary and contingent charges of the said county are levied and collected.

II. *And be it further enacted,* That it shall be lawful for the supervisors and judges and assistant justices of the court of common pleas in the said county, or a majority of them, to appoint three commissioners to superintend the building the said court house and gaol in the said county of Clinton, at such place as the said judges and assistant justices and supervisors, or a major part of them, shall designate for the purpose, on such plan as the said commissioners, or a major part of them, so to be appointed, shall judge best : and the said commissioners, or a major part of them, may contract with workmen, and purchase materials, for erecting said court house and gaol ; and from time to time draw upon the treasurer of the said county, for such sums of money for the purposes aforesaid, as shall come into the treasury by virtue of this act, and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for ; and it is hereby made the duty of such commissioners so to be appointed, to account with the supervisors of the said county, for the monies which they shall have received from the treasury, when thereunto required.

III. *And be it further enacted,* That it shall and may be lawful for the treasurer of the said county to retain in his hands, the sum of one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raised by this act.

IV. *And be it further enacted,* That the said commissioners, so to be appointed as aforesaid, shall, and are hereby authorised and required to lay out, expend and appropriate the sum of two hundred and fifty dollars, heretofore raised in the said county of Clinton, for making repairs to the temporary building erected by the voluntary exertions of the citizens of Plattsburgh, for the purpose of accommodating the courts held in the said county of Clinton, until a new court house should be erected in the said county of Clinton, in the building and erecting of the gaol and court house by this act directed to be erected : And the treasurer of the said county is hereby required to pay the said sum of two hundred and fifty dollars, last mentioned, to the said commissioners, or their order, whenever by them, or a major part of them, he shall be required so to do.

V. *And be it further enacted*, That in case the said judges, assistant justices and supervisors, or a majority of them, should incline to fix upon that part of the town of Plattsburgh where the block-house is situated, for the building of the court house and gaol aforesaid, they are hereby authorized to convert the said block-house into such court house and gaol, or to make use of the materials of which the same is composed for the above purpose. 9

Supply Bill.

C H A P. CXIX.

CONTENTS.

- 1, 3, 4, 5, 6, 7, 9, 11, 13, 15, 17, 20. Monies to be paid certain Persons.
6. Additional Allowance, made to certain Officers.
4. Comptroller, to subscribe 200 Shares in the Farmer's Bank.
18. Chancellor, authorized to complete certain Proceedings under the Insolvent Act, by him commenced whilst Chief Justice.
12. Collector of Taxes for Easton, to be credited a certain Sum.
2. Council of Appointment, allowance to the Members.
16. Governor, may desist from further executing the Act respecting Balances reported to be due to the United States.
10. Laws, Titles of, may be omitted in the Revised Laws.
19. Plate in the Treasury, directed to be sold.
21. Recorders, of the cities of Albany, Hudson and New-York, their Fees, the amount thereof, and when to be paid.
13. Surveyor-General and Treasurer, their offices to be held in the public building at Albany.
14. Title of a Lot of Land vested in the Children of Geo. Sharp.
8. Transcripts of Election, not to be recorded by the Secretary.

An ACT for the Payment of certain Officers of Government and for other Purposes,

Passed April 5th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this State shall on or before the first day of July next, on the warrant of the comptroller, pay to Simeon De Witt, surveyor-general of this State, the sum of twelve hundred and fifty dollars, for his services in his said office, from the first day of July last to the first day of July next, and such further disbursements on the like warrant of the comptroller as have been incurred by the said surveyor-general in executing the act, entitled "An act, authorizing the holding a treaty with the St. Regis Indians, and for the relief of William Gray and Jacob Dockstader," and for certain surveys and appraisements of lands in the late Oneida reservation. 1

II. *And be it further enacted*, That the treasurer shall pay John Barber, printer to this State, such sums of money as shall be certified by the comptroller to be due to him for printing the laws and journals of the present session of the legislature, and such other

printing as has been or may be done by him for this state ; and also to Whiting and Leavenworth, such sums as shall be certified by the comptroller to be due to them, for printing done for this state ; and that the treasurer of this state shall pay, on the warrant of the comptroller, to Charles R. and George Webster, such sum as shall be certified by the comptroller to be due to them for printing business done by them for this state, under the direction of the secretary of state.

III. *And be it further enacted*, That the treasurer shall pay to Solomon Van Rensselaer, adjutant general of the militia of this state, on the warrant of the comptroller, such sum of money as may appear to be due to him for his services in that station, from the first day of July last, until the passing of this act, at the rate of fifteen hundred dollars per annum, and such further sum of money as may be due to the said adjutant general at the rate aforesaid, for services in the like station, from the twenty-third day of January, 1801, to the seventh day of April, in the same year.

IV. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to such of the clergy, as shall have attended the legislature as chaplains, during the present session, the sum of two dollars and fifty cents, for every day they have so attended, which sum shall be certified by the president of the senate or speaker of the assembly ; and also such sums as shall be certified by the secretary of the late convention, to be due to the clergy who attended the said convention as chaplains.

V. *And be it further enacted*, That the treasurer shall pay to the messenger and door-keeper, of the council of revision and council of appointment, the like compensation per day, as is allowed to the door-keepers of the senate and assembly.

2 VI. *And be it further enacted*, That the members of the council of appointment, shall, for their attendance during the recess of the legislature, be entitled to receive the same allowance per day, and for travelling, as is allowed to the members of the legislature.

3 VII. *And be it further enacted*, That it shall be lawful for the treasurer, on the warrant of the comptroller, to pay to the person administering the government of this state, to defray the incidental expences which may arise in and about the administering the government of this state, such sum or sums of money as he shall require, not exceeding the sum of seven hundred and fifty dollars.

VIII. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to Matthew Prendergast, such sum as the comptroller shall certify to be due to him, for his lawful costs and expences, in and about the defence of several suits in ejectment, lately commenced against him and others holding under him, for the recovery of lands sold by the commissioners of forfeitures of the middle district, and which became forfeited to the people of this state, by the attainder of Beverly Robinson, not exceeding one hundred and twenty-five dollars.

IX. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to Sarah C. Van

Horne, widow and executrix of David Van Horne, deceased, late adjutant general of this state, such sum of money as may appear to be due for the services of the said David Van Horne, in that station, from the first day of July, one thousand eight hundred, to the twenty-third day of January, one thousand eight hundred and one, and to be computed at the rate of fifteen hundred dollars per annum, with lawful interest thereon; for which period of service no provision appears to have been made by law.

X. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to John Liswell, deputy commissary of military stores, the sum of six dollars and fifty-three cents, for expences incurred in repairs to the arsenal near the city of Albany.

XI. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay unto James Caldwell, for sundry repairs made to the house lately occupied by John Jay, esquire, while he was governor of this state, the sum of one hundred and six dollars.

XII. *And be it further enacted*, That the treasurer of this state shall pay unto John McClean, commissary of military stores, such sum as the comptroller shall certify to be due to him on the settlement of his account.

XIII. *And be it further enacted*, That it shall be the duty of the 4
comptroller and he is hereby authorized, as soon as conveniently may be, after the passing of this act, to subscribe on the part of this state, for the two hundred shares reserved for this state in and by the seventh section of the act, entitled "An act to incorporate the stockholders of the Farmer's bank," passed the 31st day of March, 1801, and shall draw his warrant on the treasurer of this state for such sum of money as shall be necessary to make the payment for such shares; which said warrant the said treasurer is hereby required to pay out of any monies in the treasury not otherwise appropriated.

XIV. *And be it further enacted*, That the comptroller shall, and 5
he is hereby authorized and required to audit and allow the account of Joshua Mersereau, one of the late commissioners of taxes for the county of Tioga, for services as such for the year one thousand eight hundred, and to draw his warrant for such sum as he shall find due to the said Joshua Mersereau, upon the treasurer, who is hereby required to pay the same to the said Joshua Mersereau.

XV. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the president of the senate, the speaker of the assembly, and the members and attendant officers of the senate and assembly, the like sums respectively, for each day's attendance and travelling at the present session, in addition to the sums allowed to them respectively, in and by the act, entitled "An Act for the support of government," passed April 7th, 1801, as was allowed to them respectively at the last session of the legislature, including the like allowances to Henry I. Bleeker, assistant clerk of the senate, as was made last year to the assistant clerk of the assembly.

- 6 XVI. *And be it further enacted*, That from the first day of July last to the first day of July next, there shall be allowed to the several officers of government, in addition to the annual salaries now allowed to them and each of them respectively, in and by the act, entitled "An Act for the support of government," the following sums, to wit: To the chancellor, at the rate of five hundred dollars per annum; to the chief justice, at the rate of five hundred dollars per annum, and to each of the other judges of the supreme court, at the rate of six hundred and twenty-five dollars a year; and that the treasurer shall pay on the warrant of the comptroller, the amount of the rent stipulated to be paid for the house occupied by his excellency the governor for the current year, and the taxes thereon.

XVII. *And be it further enacted*, That the treasurer pay to the private secretary of the person administering the government of this state, upon the warrant of the comptroller, the sum of one hundred and eighty-seven dollars and fifty cents, in addition to the sum allowed by the act, entitled "An Act for the support of government."

XVIII. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, which warrant the comptroller is hereby directed to issue, shall pay to the secretary of this state, the annual sum of three hundred dollars, from and after the first day of July last, in quarter yearly payments, in addition to the sum now allowed by law for the expences of his office, and that hereafter the comptroller shall, quarter yearly, issue his warrant for the payment of the said sum allowed by law as well as for the addition aforesaid.

- 7 XIX. *And be it further enacted*, That the comptroller be and hereby is directed, to audit the account of the said secretary, for monies by him paid for procuring a transcript of the enumeration of the inhabitants of this state lately taken under the authority of the United States, and the census of certain towns and a county, lately taken under the authority of this state, which he was directed to procure for the use of the legislature, by concurrent resolutions of the senate and assembly, of the present session, and for the sum found due, to issue a warrant, which warrant the treasurer is hereby directed to pay.

- 8 XX. *And be it further enacted*, That it shall not be necessary for the said secretary, to record the transcripts of elections as heretofore, but that the original transcripts returned into his office, shall be considered and remain there as of record.

- 9 XXI. *And be it further enacted*, That the treasurer shall pay to Elisha Jenkins, comptroller of this state, four hundred and twenty-nine dollars and sixty cents, for expences accrued in repairing the secretary's office, and preparing an office for the reception of the papers appertaining to the comptroller's office.

XXII. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to John V. Henry, one hundred and eleven dollars and ninety-five cents, for postage paid on letters received by him whilst comptroller of this state, relative to the business of his office.

XXIII. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay all such sums as the said comptroller shall certify to be due, for repairs done to furniture in the government house, in the city of New-York, and lately removed to the city of Albany, and all other the expences incurred in such removal, or that may in any wise have arisen in and about the premises.

XXIV. *And be it further enacted*, That the comptroller be authorised and directed, to audit the account of Charles R. and George Webster, printers of the revised laws, in conformity to the contract made with them by the honorable Judges Kent and Radcliff, and that the treasurer be directed to pay the said account, on the warrant of the comptroller; and the said judges 10 are hereby authorised to omit inserting in the second volume of the revised laws, the titles of such obsolete and private acts as they may think proper.

XXV. *And be it further enacted*, That the treasurer shall pay, 11 on the warrant of the comptroller, to John Wigram, the sum of forty-two dollars and fifty cents, in full for services as a surveyor in running the line of jurisdiction between this state and the commonwealth of Massachusetts.

XXVI. *And be it further enacted*, That the comptroller be and 12 he is hereby authorised and required to credit the account of the collector of taxes for the town of Easton, in the county of Washington, with the sum of twenty dollars and sixteen cents, for a like sum charged by mistake to Gerrit Van Beuren, of the said town.

XXVII. *And be it further enacted*, That the treasurer shall pay, 13 on the warrant of the comptroller, such expences as the comptroller shall certify to have been incurred in necessary repairs to the public building in the city of Albany, and in partitioning off two rooms in the said public building, one thereof for the surveyor-general, and the other for the treasurer of this state; and that after such rooms shall be completed the offices of the said surveyor-general and treasurer shall be held and kept therein.

XXVIII. *And be it further enacted*, That the treasurer of this state, on the warrant of the comptroller, shall pay to Jacob Dockstader, an Oneida Indian, the sum of sixty-eight dollars; *Provided*, The said Jacob Dockstader shall previously release to the people of this state all claim to fifty acres of land reserved to the said Jacob at a treaty lately holden with the Oneida nation of Indians.

XXIX. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to William Vail the sum of two hundred and twenty dollars and fifty cents, in compensation for rent of a piece of ground taken by the committee for fortifying the harbour of New-York, on the 12th day of August, in the year one thousand seven hundred and ninety-eight.

XXX. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to Anna Bancker, the sum of five hundred dollars, in compensation for materials used by the committee aforesaid in fortifying the said harbour;

and also the further sum of nine hundred and eighty dollars, it being for three and an half years rent due to the said Anna Banker, for ground on which the said fortifications were erected.

XXXI. *And be it further enacted*, That the treasurer is hereby directed to pay on the warrant of the comptroller, to Richard Furman and James Tillary, the amount certified by the comptroller to be due them, for the erection of buildings and other improvements made by them on Staten-Island, for the accommodation of the marine hospital.

XXXII. *And be it further enacted*, That it shall and may be lawful for the comptroller of this state, and he is hereby required and directed, to draw his warrant on the treasurer of this state, in favour of James Waters and Nancy Waters, for the payment of three hundred and seventy-five dollars, with interest at five per cent, from the seventeenth day of May, one thousand seven hundred and eighty-three, which warrant the treasurer is hereby required to pay out of any monies not otherwise appropriated.

14 XXXIII. *Whereas*, It appears to the legislature, that George Sharp purchased lot number sixty-six in the town of Hannibal, in the military tract, of Henry Sprigler, the patentee, and paid a valuable consideration for the same, but by reason of some informality in the transfer, the legal estate remains vested in the said Henry Sprigler, in trust, for the use of the said George Sharp ; *And whereas*, The said Henry Sprigler hath died without leaving any relatives in the United States, whereby all his estate has escheated to the people of this state ; *And whereas*, The said George Sharp hath absolutely died leaving eight children, to wit : Peter, Henry, George, John, Catharine, Margaret, Bailey and Anna : *And whereas*, It is just that the right, title and interest of the people of this state in and to the said lot should be confirmed to the said children of the said George Sharp, deceased : Therefore, *Be it further enacted*, That all the right, title and interest which has escheated as aforesaid to the people of this state, in and to the aforesaid lot of land, shall be and is hereby vested in and confirmed to the aforesaid children of the aforesaid George Sharp, their heirs and assigns for ever, as tenants in common.

15 XXXIV. *And be it further enacted*, That the treasurer shall pay on the warrant of the comptroller, such sums as shall be agreed to be paid for the extinguishment of the right of the patentee or patentees, or their assigns, for the mile square and meadows on Grasse-river, within the reservation of the St. Regis Indians, in pursuance of the act, entitled " An act to amend the act, entitled An act to authorize the holding a treaty with the St. Regis Indians, and for the relief of William Gray and Jacob Dockstader."

16 XXXV. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state to desist from the further execution of the act, entitled " An act complying with the act of congress respecting balances reported against certain states by the commissioners appointed to settle the accounts between the United States and the several states," and the comptroller shall not draw on the treasurer of this state for

any of the monies specified in the said recited act, other than such as shall be due for contracts made by his excellency the governor for services in pursuance of the said act, until the further order of the legislature.

XXXVI. *And be it further enacted.* That it shall and may be 17 lawful for the treasurer of this state, upon the warrant of the comptroller, to pay to Josiah Ogden Hoffman, late attorney general, the sum of five hundred dollars for his extra services in sundry suits prosecuted by the state of Connecticut, against this state for certain lands therein; *Provided,* The said Josiah Ogden Hoffman shall previously deliver to his successor in office his brief upon the question depending as aforesaid, accompanied with such further remarks and information as may be useful to the state.

XXXVII. *And be it further enacted,* That the treasurer shall on the warrant of the comptroller, pay to John Murray, John Othoudt and Richard Furman, the sum of two hundred and seventy-four dollars and seventy-four cents, being monies expended by them as commissioners of taxes for the city and county of New-York.

XXXVIII. *Whereas,* It appears to the legislature, that Mary Brannon, in her life time, had, subsequent to the decease of her husband, Charles I. Brannon, paid the sum of five hundred and twenty-two pounds, being part of the consideration money, for a certain house and lot of ground in the city of New-York, purchased by the said Charles I. Brannon, in his life time, and also paid the further sum of four hundred and thirty-four pounds four shillings and five pence, in full discharge of a mortgage on the aforesaid house and lot of ground; *And whereas,* The real estate of the said Charles I. Brannon hath escheated to the people of this state, and hath been sold, and the proceeds thereof paid into the treasury: Therefore, *Be it further enacted,* That the treasurer of this state shall, on the warrant of the comptroller, pay to George Gosman and Andrew Morris, executors of the last will of the said Mary Brannon, and trustees for the legatees named in her will, the sum of two thousand five hundred dollars, to be by them distributed according to the directions of her said last will: *Provided,* That the comptroller shall not draw his warrant as aforesaid, until satisfactory evidence shall be produced to him that the registry of the said mortgage has been duly cancelled.

XXXIX. *And be it further enacted,* That the treasurer of this state shall, on the warrant of the comptroller, pay to Peter D. Beckman, the sum of fifteen dollars, for services performed by him, as clerk to the Onondaga commissioners, after the decease of Luther Trowbridge, their late clerk.

XI. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to Ambrose Spencer, late assistant attorney general, the amount of two taxed bills of costs in suits brought by him, in behalf of the people of this state, against John Keating; and which said bills of costs could not be recovered in consequence of the insolvency of the said John Keating.

XLI. *Whereas,* It is represented to the legislature that in certain 18 cases of insolvency, proceedings were had before the hon. John Lan-

sing, jun. esquire, as chief justice of this state, under the act, entitled "An act for giving relief in cases of insolvency," and that orders were obtained from the said chief justice for grants or assignments to be made by the insolvents of their estates pursuant to the said act, but before final discharges were given, the said John Lansing, junior, was appointed chancellor of this state; Therefore, *Be it further enacted*, That it shall and may be lawful for the said John Lansing, junior, to proceed in all such cases, and to grant the like relief and discharge, pursuant to the said act, as if he had continued chief justice of the supreme court.

- 19 **XLII.** *And be it further enacted*, That the treasurer of this state is authorised and directed to sell the plate now in his possession, belonging to the state, at public auction or private sale, as he shall think proper, and in case of a sale at auction, he shall first give public notice thereof; and the proceeds of sales shall be by him carried to the credit of this state in his account.
- 20 **XLIII.** *And be it further enacted*, That the treasurer shall pay on the warrant of the comptroller, such sum as shall be necessary for the purchase of an iron chest, for the use of the treasurer's office.
- 21 **XLIV.** *Whereas*, Difficulties and delays attend the collection and payment of the fees due to the recorders of the cities of New-York, Albany and Hudson, in the several suits commenced in the mayor's courts of the said cities: Therefore, *Be it further enacted*, That from and after the passing of this act, the sum of seventy-five cents, directed to be paid to the recorders of the said respective cities, on each suit to be commenced in the mayor's courts of the said cities respectively, shall be paid at the time of issuing the first writ in such suit; *Provided however*, That this section shall be in force, and continue, until the first day of May one thousand eight hundred and four, and no longer.

School Money.

C H A P. LXV.

C O N T E N T S.

A certain Sum of Money to be paid to the Treasurer of Ontario.

An ACT directing the Treasurer of this State to pay to the Treasurer of the County of Ontario, a Sum of Money to which the said County is entitled, under the Act for the Encouragement of Schools.

Passed March 30th, 1802.

WHEREAS by the act, entitled "An act for the encouragement of Schools," passed the 9th of April, 1795, the county of Ontario was authorised to receive out of the treasury of this state, for the purposes contemplated in said act, the sum of seven hundred and fifty dollars, on the third Tuesday of March, 1796, and the like sum annually for four years thereafter; *And whereas*, It appears from the report of the comptroller, made to this legislature on the fourth day of February, 1802, that he sum of seven

hundred and fifty dollars, which fell due to the said county of Ontario, on the third Tuesday of March, 1796, has never been paid, but that the money appropriated to that use, still remains in the treasury of this state : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the treasurer of this state and he is hereby directed, to pay to the treasurer of the county of Ontario, or to his order, the sum of seven hundred and fifty dollars, to be by him distributed and applied according to the directions of the said act, for the encouragement of schools, for which distribution and application the said treasurer shall account to the supervisors of the county.

Private Acts.

C H A P. V.

CONTENTS.

The right of this state in a certain Farm granted to Eliza Livingston.

An ACT for the Relief of Eliza Livingston.

Passed February 12th, 1802.

WHEREAS Schuyler Livingston, and Eliza, his wife, by their petition to the legislature, have set forth, that Thomas H. Barclay, the father of the said Eliza, and whose estate was forfeited to the people of this state, by virtue of an act passed the 22d day of October, in the year of our Lord, 1779, had agreed to purchase, previous to the passing thereof, of the trustees of the estate of the late Peter Dubois, deceased, a certain farm, situate in the then county of Ulster, for the sum of two thousand seven hundred pounds, current money of this state; that the consideration money aforesaid had been paid to the said trustees or one of them, but no deed executed by them or either of them for the said farm; and that the said Thomas H. Barclay had assigned his interest in the said agreement to his said daughter, wherefore they pray a grant to the said Eliza, of the interest of the people of this state, in and to the premises : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the estate, right, title, interest, claim and demand of the people of this state, both at law and in equity, of, in and to the farm agreed to be purchased as aforesaid, by the said Thomas H. Barclay, of the trustees of the estate of the said Peter Dubois, deceased, or of either of them, and of, in and to the monies paid therefor, be and hereby are granted to, and vested in the said Eliza Livingston, her heirs and assigns for ever; and it shall be lawful for the said Schuyler Livingston and Eliza, his wife, in the name of the said Thomas H. Barclay, or otherwise, but for the sole use of the said Eliza, to sue for and recover the same in any court of law or equity, within this state as fully and completely as the said Thomas H. Barclay could have done, had he not been attainted.

Z

C H A P. XI.

C O N T E N T S.

Monies loaned to Josiah G. Pierſon by the State, periods for payment extended.

An ACT to extend the Time of Payment of certain Sums of Money loaned to Josiah G. Pierſon.

Paſſed February 20th, 1802.

WHEREAS by an act of the legiſlature of this ſtate, paſſed the ſixth day of April, one thouſand ſeven hundred and ninety-five, the ſum of five thouſand dollars was loaned to Joſiah G. Pierſon, for the term of fix years, at fix per cent per annum, for the purpoſe of enabling the ſaid Joſiah G. Pierſon, to carry on the manufactory of nails and brads in this ſtate; *And whereas*, The further ſum of three thouſand dollars was loaned to the ſaid Joſiah G. Pierſon, for the ſame term of years, and at the ſame rate of intereſt, and for the ſame purpoſe; and for ſecuring the payment of the ſaid ſums of money, the ſaid Joſiah G. Pierſon mortgaged to the people of this ſtate ten thouſand four hundred and ninety acres of land, lying in the counties of Tioga, Waſhington and Montgomery; *And whereas*, The ſaid ſums of money above mentioned are now due; *And whereas*, Jeremiah Pierſon and Iſaac Pierſon, brothers and heirs of the ſaid Joſiah G. Pierſon, have by their petition prayed for a further extension of the ſaid loans: Therefore,

Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, That the payment of the ſaid ſum of three thouſand dollars, be and is hereby extended to the firſt day of May, one thouſand eight hundred and four; and that the payment of the ſaid ſum of five thouſand dollars, be and is hereby extended to the firſt day of May, one thouſand eight hundred and ſeven; ſubject nevertheless, to the payment of intereſt annually, in conformity to the conditions of the bonds and mortgages, executed by the ſaid Joſiah G. Pierſon, to the people of this ſtate.

C H A P. XII.

C O N T E N T S.

A Sum of Money to be paid to Anna Hunt.

An ACT for the Relief of Anna Hunt, Executrix of James Hunt, deceased.

Paſſed February 20th, 1802.

WHEREAS James Hunt and Iſrael Honeywell, commiſſioners of ſequeſtration for the county of Weſtcheſter, did on the ſeventh day of April, one thouſand ſeven hundred and eighty-three, ſell and convey to Richard Sacket, junior, a negro boy, ſuppoſed to be ſequeſtered property; *And whereas*, It has

since appeared that the said negro boy was not a slave, and that the said James Hunt, has returned to the said Richard Sacket, junior, fifty-six dollars and twenty-five cents, the price of said boy ; Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state, on the warrant of the comptroller, pay to Anna Hunt, executrix of James Hunt, deceased, out of any money in the treasury not otherwise appropriated, fifty-six dollars and twenty-five cents, in full for the money repaid to Richard Sacket, junior, by the said James Hunt.

C H A P. XVII.

CONTENTS.

1. A Lot of Land to be granted to John M-Kinstry.
2. The consideration money, to be secured by bond & mortgage.

An ACT granting a Lot of Land to John M-Kinstry.

Passed March 3d, 1802.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land office, be and hereby are authorized and directed to grant letters patent, in the usual form, to John M-Kinstry, his heirs and assigns, for a certain lot of land, belonging to the people of this state, in the town of Junius, in the county of Cayuga, called the Scoyes reservation, bounded southerly on the Seneca-river, and northerly on lots number ninety-seven and number ninety-eight ; said to contain six hundred and forty acres ; Provided, That the said John M-Kinstry execute a bond to the people of this state, for the payment of the purchase money, at the rate of two dollars and fifty cents per acre for the same, payable in ten years, with interest at the rate of six per centum per annum, to be paid annually ; and also execute a mortgage to the people of this state, of the said lot of land, for securing the payment of the said bond.*

II. And be it further enacted, That the said bond and mortgage shall be deposited in the office of the comptroller of this state.

C H A P. XXII.

CONTENTS.

Lands in certain Towns in the Counties of Cayuga and Onondaga, to be granted to Hannah Fisher and others.

An ACT for the Relief of the Representatives of George Fisher, deceased.

Passed March 3d, 1802.

B*E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the*

commissioners of the land office, and they are hereby directed and required to issue letters patent unto Hannah Fisher and the legal representatives of George Fisher, deceased, their heirs and assigns, as tenants in common, for one hundred acres of land, lying in a square in the southeast corner of lot number fifty-nine, in the township of Cato, and county of Cayuga; and also for one hundred acres of land out of any of the unappropriated lands belonging to the people of this state, lying in the township of Romulus, and county of Cayuga; and also for one hundred acres of land, out of any of the unappropriated lands belonging to the people of this state, lying in the township of Tully, and county of Onondaga; and also for one hundred acres of land, out of any of the unappropriated lands belonging to the people of this state, lying in the township of Lyfander and county of Onondaga: *Provided always*, The lands to be granted as aforesaid, shall be as near as may be of equivalent value, with three hundred acres of land in the southeast corners of the lots of land, drawn to the names of Henry Ath, Jacob Wendell, Teunis Carey, soldiers in the late army of the United States, serving in the line of this state, considering one hundred acres in each lot as aforesaid, and to be in a square.

C H A P. XXIII.

C O N T E N T S.

Monies to be paid to Alexander Comrie.

An ACT for the Relief of Alexander Comrie.

Passed March 3d, 1802.

WHEREAS it appears to the legislature, that Alexander Comrie, by virtue of an article of agreement, made and entered into with Beriah Palmer, as agent and attorney for Isaac Low, dated the nineteenth day of October, in the year one thousand seven hundred and seventy-eight, did take possession of and make valuable improvements on lot number two, of the subdivision of lot number one, of the twenty-first allotment of the patent of Kayaderofferas, afterwards sold by the commissioners of forfeitures of the western district, and conveyed to James Caldwell, by deed dated the twenty-first day of June, one thousand seven hundred and eighty-six; so that the said Alexander Comrie, was deprived of the benefit of his said contract, and of the improvements made by him so as aforesaid; Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state, is hereby authorized and directed to pay on the warrant of the comptroller, unto Alexander Comrie, the sum of two hundred and fifty dollars, which he is directed to pay out of any monies in the treasury not otherwise appropriated; which said payment shall be considered as a full satisfaction in the premises, of all claims of the said Alexander Comrie upon the state.

C H A P. XXIV.

CONTENTS.

Monies to be paid to the Vestry of St. Andrew's Church on Staten-Island, and to Jonathan Drake.

An ACT for the Relief of the Rector, Church Wardens and Vestry-Men, of St. Andrew's Church, in the County of Richmond, and of Jonathan Drake.

Passed March 3d, 1802.

WHEREAS in pursuance of an act of the legislature, passed at the last session, entitled "An act to provide against infectious and pestilential diseases," the public highway which passed through the lands on Staten-Island, on which a marine hospital has been erected, and belonging to the people of this state, has been stopped up, and another highway opened adjoining the quarantine ground, and through the land belonging to the rector, church wardens and vestry-men, of St. Andrew's church in the county of Richmond, and in the tenure and occupation of Jonathan Drake; *And whereas*, No provision was made in and by the said act, for the payment of the said land so taken for a highway, or for the damages which have been sustained by reason thereof: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall, on the warrant of the comptroller, pay to the said rector, church wardens and vestry-men, the sum of two hundred and fifty dollars for the said land and damages; and the sum of one hundred and twenty-five dollars to the said Jonathan Drake, for his damages.

C H A P. XXXIV.

CONTENTS.

Lands in the Military Tract to be granted to David Bates, Henry Ten Eyck and William Gall.

An ACT for the Relief of David Bates, Henry Ten Eyck and William Gall.

Passed March 8th, 1802.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to grant letters patent to David Bates, for the like quantity of unappropriated lands in the tract set apart for the use of the line of this state, serving in the army of the United States, and in the same manner as has been granted to officers of the rank of lieutenant, serving in the line of this state.

II. *And be it further enacted*, That it shall be lawful for the commissioners of the land office, and they are hereby required to grant letters patent to Henry Ten Eyck, for the same quantity of

unappropriated lands in the tract set apart for the use of the line of this state, serving in the army of the United States, as has been granted to officers of the rank of captain, in the said line, as a gratuity for his services and sufferings during the revolutionary war; *Provided always*, That previously to the issuing of the letters patent in either of the foregoing cases, the grantee shall pay into the treasury of this state, the fees for surveying the lands contained in such letters patent, and produce to the said commissioners a receipt therefor.

III. *And be it further enacted*, That the commissioners of the land office be and they are hereby directed to grant unto William Gall, late a soldier in the regiment of artillery commanded by colonel John Lamb, the quantity of five hundred acres of land, for and during his natural life, with remainder to the children of the said William Gall, their heirs and assigns for ever.

C H A P. XXXIX.

CONTENTS.

1. Abel Noble and others, authorized to make locations for Lands.
2. And on survey thereof, letters patent to issue to them.
3. The locations and survey, to be made at their expence.

An ACT for the Relief of Abel Nobel and others.

Passed March 16th, 1802.

WHEREAS Abel Noble, Solomon Townsend, William Townsend and Hannah Townsend, did in the year 1786, pursuant to a law of this state, entitled "An act for raising troops to complete the line of this state in the service of the United States, and the two regiments to be raised on bounties of unappropriated lands, and for the defence of the frontiers of this state," passed the 23d day of March, 1782, make locations on unappropriated lands belonging to this state, to the amount of two thousand acres in the county of Orange, and deposit their class rights and surveys in the office of the surveyor-general of this state: *And whereas*, Such locations were necessarily left dormant till after the time limited by law for suing out letters patent had expired: Therefore,

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it may be lawful for the said Abel Noble, Solomon Townsend, William Townsend and Hannah Townsend, or their legal representatives, to make locations for lands to the amount of their class rights, remaining in the surveyor-general's office, at the places where they were originally made, or such others in their vicinity as still remain unappropriated.
2. *And be it further enacted*, That it shall be the duty of the commissioners of the land office, and they are hereby directed on the receipt of the certificate of the surveyor-general, certifying that the lands located by virtue of this act, have been surveyed and are

vacant and unappropriated, to cause letters patent to issue to the said Abel Noble and his associates, and to their heirs and assigns, for two thousand acres of land, in the place or places intended in this act; *Provided*, That such location or locations shall be made, and the lands so located be surveyed, at the expence of the persons so locating, and letters patent for the same be sued out, on or before the first day of March next.

C H A P. XII.

CONTENTS.

A Sum of Money to be paid to the Heirs of Solomon Simpson.

An ACT for the Relief of the Heirs of Solomon Simpson, deceased.

Passed March 16th, 1802.

WHEREAS the committee of association in the city of New-York, in the month of May, one thousand seven hundred and seventy-five, caused all the cannon then in the city of New-York, belonging to private persons, to be removed to Kingsbridge, part of which cannon were afterwards, by order of the convention of the state, or a committee thereof, delivered to certain persons in the state of Connecticut, for the use of that state, and have been charged to and paid for by that state, and the residue were applied to the use of the United States, and charged to them in their account with this state: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the comptroller of this state, and he is hereby required to draw his warrant on the treasurer thereof, in favor of the heirs of Solomon Simson, late of the city of New-York, deceased, whose cannon were taken as aforesaid, and have not been paid, for the sum of three hundred and twenty-five dollars, and which warrant the treasurer is hereby directed to pay out of any monies in the treasury not otherwise appropriated.

C H A P. XLV.

CONTENTS.

1. Lands in the Military Tract to be granted to John Shepard.
2. With certain exceptions and reservations.

An ACT for the Relief of John Shepard.

Passed March 19th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office and they are hereby required to grant letters patent to John Shepard, a captain of artificers in the American army, during the late war, for lot number sixty-

- five in the township of Dryden, lot number eleven in the township of Cicero, and lot number eight in the township of Cato, in that tract of land set apart for the use of the line of this state, serving in the army of the United States, in the same manner as has been granted to officers of the rank of captain, serving in the line of the said state; excepting and reserving out of each of the said lots one hundred acres to be laid out in a square as nearly as may be in the southeast corner thereof; and also fifty acres in each of the said lots, heretofore sold by the surveyor-general of this state agreeable to law, for the expences of surveying the same.

C H A P. XLVI.

C O N T E N T S.

1. The account of Jacobus Hasbrouck, jun. Treasurer of Ulster, Comptroller to audit and allow.
2. State Treasurer to pay him such sum as shall be certified to be due.
3. Accounts of Joel Thompson, Treasurer of Chenango, Comptroller also to audit and allow.

An ACT for the Relief of Jacobus Hasbrouck, junior, and Joel Thompson.

Passed March 19th, 1802.

WHEREAS the collectors of the towns of Woodstock, Makating, Hurley, Windham, Neverfink, Catskill, Kingston, Rochester and Lumberland, in the county of Ulster, for the year one thousand seven hundred and ninety-nine, and the collectors of the towns of Lumberland, Rochester, Neverfink and Hurley, in the said county of Ulster, for the year one thousand eight hundred, did not make the affidavit mentioned in the twenty-first section of the "Act for the assessment and collection of taxes," within the time limited for that purpose, in and by the said section, owing to the sickness of some of the collectors, and to the scattered situation of the inhabitants of some of the towns, which rendered it impossible to discharge their respective duties within the time limited by law; by reason whereof the comptroller hath refused to audit and allow the account of the treasurer of the said county, so far as respects the taxes of the said several towns in the years aforesaid respectively: Therefore,

1. *I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller is hereby authorised and required to audit and allow the account of Jacobus Hasbrouck, junior, treasurer of the said county of Ulster, in the same manner as if the several collectors of the several towns in the years aforesaid had severally made the said affidavits within the time limited therefor as aforesaid.*
2. *II. And be it further enacted, That the treasurer of this state be and hereby is directed and required to pay to the said Jacobus Hasbrouck, junior, such sum of money as the comptroller shall*

certify to be due to him for over payment into the treasury of this state, after settlement of his accounts in the manner herein above prescribed, out of any monies in the treasury not otherwise appropriated.

III. *And be it further enacted*, That the comptroller is hereby authorized and required to audit and allow the account of Joel Thompson, treasurer of the county of Chenango, for the year one thousand eight hundred and one, in respect to the towns of Hamilton, Cazenovia, De Ruyter and Brookfield, in the same manner as if the several collectors of the said several towns had made their affidavits and returns strictly in such form and time as required by law. 3

C H A P. LI.

CONTENTS.

Lands to be granted to Joseph Bingham.

An ACT for the Relief of Joseph Bingham.

Passed March 26th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to issue letters patent to Joseph Bingham, assignee of Johnson Bingham, for one hundred acres of land, in lot number seventy-seven, in the township of Tully, and fifty acres of land in lot number fifty-nine, in the township of Homer, agreeably to the certificates of Simeon De Witt, esquire, surveyor-general, issued in pursuance of the act, entitled "An act for the further sale of the unappropriated lands of this state," passed the 27th of March, 1794; *Provided*, That the said Joseph Bingham shall, previous to the issuing of the said letters patent, and within nine months after the passing of this act, pay to the treasurer of this state, the sum of one hundred and thirty-one dollars and twenty-five cents, with interest at six per cent per annum, from the fourth day of September, one thousand seven hundred and ninety-five, and at the same time file the said original certificates with the said commissioners of the land office.

C H A P. LIII.

CONTENTS.

Lands to be granted James Rynders and Ichabod Coe.

An ACT for the Relief of James Rynders and Ichabod Coe.

Passed March 26th, 1802.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office and they are hereby required to

A a

grant letters patent to the said James Rynders, his heirs and assigns for ever, for the like proportion of unappropriated lands, part of the lands set apart for the use of the line of this state, lately serving in the army of the United States, as has been granted to soldiers of the line of this state, serving in the army of the United States.

II. *And be it further enacted*, That it shall and may be lawful for the said commissioners, and they are hereby required to grant letters patent to Ichabod Coe, and to his heirs and assigns for ever, for the like proportion of unappropriated lands, part of the lands set apart for the use of the line of this state, lately serving in the army of the United States, as has been granted to soldiers of the line of this state, serving in the said army.

C H A P. LIV.

C O N T E N T S.

1. Lands to be granted M. B. Talmage, in trust for John Welch.
2. ——— to Jonathan Crocker, junior, and others, in trust for Samuel Crawford.

An ACT for the Relief of John Welch and Samuel Crawford.

Passed March 26th, 1802.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to grant letters patent to Matthias B. Talmage, in trust for John Welch, his heirs and assigns, for four hundred and fifty acres of unappropriated lands in the tract set apart for the use of the line of this state, serving in the army of the United States, and in the same manner as has been granted to soldiers serving in the line of this state; and the said Matthias B. Talmage, shall dispose of the said lot of land, for a price not less than two dollars and fifty cents per acre, and apply the proceeds for the support of the said John Welch and his family, and after his decease, pay the residue, if any there be, to his legal representatives.
- 2 II. *And be it further enacted*, That it shall any may be lawful for the commissioners of the land office, and they are hereby directed and authorized to grant to Jonathan Crocker, junior, Samuel Jones and Jonathan Jenkins, four hundred and fifty acres of unappropriated land, set apart for the use of the line of this state, serving in the army of the United States, to hold the said land to the above named persons, and their heirs and assigns, as joint tenants and not as tenants in common, in trust, to sell and dispose of the same at the best price they can obtain for the same, and not less than two dollars and fifty cents per acre, and to apply the monies arising from such sale, for the use, support and maintenance of Samuel Crawford, late a soldier in the army of the United States, in the line of this state, his wife and family, during his natural life, and to pay the residue, if any there be at his decease, to his legal representatives.

C H A P. IX.

CONTENTS.

Lands to be granted to the Representatives of Reuben Drake.

An ACT for the Relief of the Representatives of Reuben Drake, deceased.

Passed March 30th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to grant unto the legal representatives of Reuben Drake, deceased, their heirs and assigns, two hundred acres of land, out of any of the unappropriated lands belonging to the people of this state, situate in the eastern district thereof, not reserved for public uses, the same to be surveyed at the expence of the said grantees.

C H A P. LXXX.

CONTENTS.

An Island in the Hudson-River to be granted to William and Thomas Lang and Andrew Johnson.

An ACT granting a certain Island in the Hudson-River, to William Lang and others.

Passed March 30th, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the surveyor-general and he is hereby directed to execute a conveyance on behalf of the people of this state, to William Lang, Thomas Lang and Andrew Johnson, their respective heirs and assigns, of a certain island in the Hudson-river, near the west bank thereof, in the town of Northumberland, in the county of Saratoga, belonging to the people of this state, lying opposite to the east bounds of lot number two, in the subdivision of lot number one, of the nineteenth general allotment of the patent of Kayaderoferas, containing about three acres, upon producing to him a certificate, signed by the treasurer of this state, that they, or either of them, have paid into the treasury, as a consideration for the same, the sum of one hundred dollars; *Provided*, The said island has not been heretofore granted.

C H A P. LXXXVII.

CONTENTS.

A Dam across the Seneca-River, Robert Troup and his Associates authorised to build.

An ACT authorising Robert Troup and his Associates, to erect a Dam across the Seneca-River.

Passed April 1st, 1802.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful

for Robert Troup and his associates, their heirs and assigns, being owners and proprietors of the lands lying on both sides of the stream, by and with the consent of the president and directors, of the western inland lock navigation company, to erect a dam across the Seneca-river, in the county of Cayuga, between the grist-mill owned by the said Robert Troup and his associates, and the north-east corner of lot number nine, in the township of Romulus ; *Provided however*, That the said dam shall not be so constructed as to raise the waters of said river, at any place opposite to lands not owned by them.

C H A P. XCII.

CONTENTS.

1. A certain Tract of Land to be granted to James Abeel.
3. If the same is unappropriated and remains unsettled.
2. On his paying a certain Sum per acre.
4. Or executing to the State a Bond with approved sureties.

An ACT authorising a Grant of Lands to James Abeel.

Passed April 1st, 1802.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land office, and they are hereby authorised and directed, to cause letters patent to be granted to James Abeel, his heirs and assigns, for a tract of land lying and being in the county of Washington, adjoining a patent granted to the said James Abeel, and bounded as follows, viz. Beginning at the most southerly corner of the said patent, and runs thence south fifty-one degrees east forty-one chains ; thence north twenty-eight degrees one hundred and forty-two chains and fifty links ; thence north sixty degrees west ninety chains ; thence south one hundred and forty-seven chains ; thence west twelve chains and twenty links, to the place of beginning, containing about eight
- 2 hundred acres of land ; *Provided nevertheless*, and upon condition, that the said James Abeel, shall on or before the first day of January, one thousand eight hundred and nine, pay into the treasury of this state, such sum per acre for the same as shall be determined to be the value thereof by the surveyor-general of this state ; *Provided also*, That the said lands have not been otherwise appropriated, and remain unsettled by any other person than the said James Abeel, and those claiming under him.
- 3
- 4 II. *And be it further enacted*, That if the said James Abeel, shall at any time on or before the first day of October next, give and execute his bond to the people of this state, together with such sureties therein as the comptroller shall approve of and be satisfied with, for the payment of such sum of money as shall be so determined and fixed on as aforesaid, at the period aforesaid, with interest thereon at the rate of six per cent per annum to be

paid annually, then and in such case all and every condition contained in this act, and predicated on the payment of money by the said James Abeel, shall cease, and the title of the said James Abeel, to all the said lands, shall become absolute.

C H A P. CVI.

C O N T E N T S.

- 1, 2. Recital, states the boundaries of a certain Tract of Land, sold by the Commissioners of Forfeitures to be incorrect.
3. The true bounds to be ascertained by the Surveyor-General.
4. A Conveyance thereof to be executed to Jonathan Winne.
5. Proviso, respecting the quantity, payment, & release to the State.
6. Lands to be granted to Thomas Quigley, on condition.

An ACT for the Relief of Jonathan Winne, and for granting Lands to Thomas Quigley.

Passed April 5th, 1802. -

WHEREAS the late commissioners of forfeitures for the western district, on the twentieth day of November, in the year of our Lord one thousand seven hundred and eighty-six, did sell and convey unto Abraham Bloodgood, and his heirs and assigns for ever, a certain tract of land, deemed to have become forfeited to the people of this state, by the conviction of Bastian Becker, which is described in the deed of conveyance, executed by the said commissioners as situated in the united district of Dutchburgh and Schoharie, at a certain place called Breekebeen, and was estimated to contain forty-three acres, be the same more or less, which said tract of land was afterwards sold and conveyed by the said Abraham Bloodgood unto Jonathan Winne, and his heirs and assigns for ever ; *And whereas*, It appears from a survey made of the said land, that the distance of some of the courses given in the said deed of the commissioners, would on the one side run in upon other lands not liable to be sold, and on another side the boundaries do not include the land intended to be sold by the commissioners aforesaid ; for remedy whereof, and to rectify the error made in the grant for the said land,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the surveyor-general of this state be and he is hereby directed and authorized, to ascertain the true boundaries of the land aforesaid, formerly possessed by the said Bastian Becker, and thereupon to execute a conveyance in behalf of the people of this state to the said Jonathan Winne, for such part of the land deemed to have become forfeited to the people of this state, by the conviction of Bastian Becker as is not contained within the boundaries of the deed executed by the commissioners of forfeitures as aforesaid ; *Provided*, That the whole quantity of the land forfeited as aforesaid, conveyed and to be conveyed to the said Jonathan Winne, shall not exceed seventy-six acres : *And provided also*, That the said Jonathan Winne shall on the receipt of the said

conveyance, pay into the treasury of this state the value, to be ascertained by the surveyor-general, of such lands as he shall receive by such conveyance over and above the quantity of forty-three acres ; and shall execute a release to the people of this state, for all such land contained within the boundaries of the aforesaid deed, from the commissioners of forfeitures, as is not comprised within the boundaries of the said seventy-six acres.

- 6 II. *And be it further enacted*, That the commissioners of the land office, shall issue letters patent to Thomas Quigley, his heirs and assigns for ever, for lot number one in the township of Milton, in the county of Cayuga ; *Provided*, The said Thomas Quigley, shall pay to the treasurer of this state, one sixth part of the price which shall be set on the said lot of land by the surveyor-general, and execute a mortgage to the people of this state for the residue, in the form of those taken on lands in the Indian reservations, payable with interest yearly at six *per cent** in eight years from the date of such letters patent ; *Provided*, The said lot hath not been heretofore granted or appropriated.

* So in the original.

C H A P. CVII.

C O N T E N T S.

1. Contracts for the sale of certain Lands, having been made by the late John Carpenter,
2. His Widow authorised to execute Conveyances pursuant thereto.
3. Such Conveyances not to conclude the Heirs without the Chancellor's Certificate.
4. Monies received, to be assets for payment of the Intestate's Debts.

An ACT relative to the real Estate of John Carpenter, deceased.

Passed April 5th, 1802.

- 1 **W**HEREAS it has been presented to the legislature, that John Carpenter, deceased, in his life time, made contracts with divers persons, for the sale of several tracts or parcels of land, and afterwards died intestate, without having executed conveyances to the purchasers, and leaving several infant children, by reason whereof the said contracts cannot be carried into effect : For remedy whereof,

- 2 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for Abigail Carpenter, the widow and administratrix of the goods, chattels and credits of the said John Carpenter, deceased, to execute conveyances pursuant to the said contracts, upon receipt of the purchase money with the lawful interest due thereon ; which conveyances shall be as good and effectual in the law, as if the same had been executed by the said John Carpenter, in his life time : *Provided*
- 3 *always*, That such conveyances shall not conclude the heirs of the said John Carpenter, deceased, unless the chancellor of this state

shall endorse on the same respectively, a certificate that he is satisfied with the form of such conveyances, and that they are made in pursuance of existing and valid contracts, entered into by the said John Carpenter, in his life time.

II. *And be it further enacted*, That the monies which the said administratrix shall receive in virtue of the aforesaid contracts shall be considered as assets in her hands, for the payment of the just debts of her intestate ; and in case of any surplus, such surplus shall be accounted for by her to the heirs of the said intestate, as part of the proceeds of his real estate. 4

C H A P. CXVI.

CONTENTS.

A Tract of Land on the east side of Oswego-river, Daniel Burt jun. permitted to occupy for ten years, on Rent.

An ACT granting to Daniel Burt, junior, the exclusive Privilege to occupy certain Lands belonging to the People of this State.

Passed April 5th, 1802.

WHEREAS Daniel Burt, junior, of the county of Orange, has by his memorial to the legislature, set forth that he lately purchased lot number seven in the town of Hannibal, adjoining the rapids on the Oswego-river, with an intent to erect a grist-mill, saw-mill and forge on the same ; *And whereas*, There is a large tract of cleared land, on the east side of said river, adjoining the fort belonging to the people of this state, which would afford pasture and hay for the support of cattle and horses necessary to carry on a work so laudable : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said Daniel Burt, junior, his heirs and assigns, to occupy and improve, possess and enjoy a quantity not exceeding one hundred acres of the aforesaid tract of land, to his or their use and benefit for and during the term of ten years from and after the passing of this act, he paying therefor yearly and every year, for and during the time aforesaid into the treasury of this state, ten cents per acre ; and for that purpose the said Daniel Burt, is hereby required to cause the same to be surveyed at his expence, and a return of the survey thereof to be made under oath, within one year after the passing of this act, to the comptroller of this state ; *Provided always*, That the present grant shall not in any manner be so construed, as to prevent the state at any time to erect fortifications, or any other public buildings, on the said tract so to be surveyed and occupied as aforesaid.

Obsolete Acts.

C H A P. I.

An ACT directing the Execution of George Peters.

Passed February 8th, 1802.

WHEREAS at a court of oyer and terminer, held in and for the county of Oneida, in the month of June last, George Peters, one of the Brothertown Indians, was convicted of the murder of his wife, and sentenced to suffer death on the twenty-eighth day of that month; *And whereas*, His excellency the governor, has suspended the execution of the said George Peters, until the second Friday in the present month, and has reported the case of the said George Peters to the legislature; *And whereas*, Nothing has appeared of sufficient weight to warrant a favourable interposition; Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sheriff of the county of Oneida, shall cause the said George Peters, to be executed on the last Friday in March next, between the hours of twelve and three in the afternoon.

C H A P. XXI.

An ACT to confirm the Proceedings of the Court of Common Pleas, held in and for the County of Greene, on the last Tuesday of January last.

Passed March 3d, 1802.

WHEREAS it appears that the court of common pleas, in the county of Greene, was holden by mistake of the judges and assitant justices of the same court, on the last instead of the first Tuesday of January last: Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the proceedings of the said court shall be as valid to all intents and purposes, as if the same had been held at the time prescribed by law: And all writs and process made returnable during the actual sitting of the said court, shall be as valid as if made returnable at the time the said court ought to have been held; and all persons bound to appear at the said court, at the time the same was held as aforesaid, shall be holden to appear in like manner as if the said court had been held on the said first Tuesday in January; and all writs and process which have been or may be issued out of the said court, prior to the next term thereof may be tested of any day on which the said court actually sat.

C H A P. LXIII.

An ACT to authorise the holding of Town Meetings in the present Year, in certain Towns where they were not held agreeably to Law.

Passed March 30th, 1802.

BE *It enacted by the People of the State of New-York, represented in Senate and Assembly*, That in all instances where town meetings were not held on the first Tuesday of March in the present year, according to the provision of the first section of the "Act relative to the duties and privileges of towns," it shall be lawful for the supervisor and town clerk of such town, or either of them, to give at least eight days previous notice to the freeholders and inhabitants of such town, to meet at the usual place on any day previous to the last Tuesday of April in the present year, which town meeting shall be as valid, as if the same had been held on the said first Tuesday of March; and the town officers in any such town for the preceding year, shall continue to exercise their respective offices until such election.

And be it further enacted, That if any town meeting, in any such town, shall have been held on the first Tuesday of April in the present year, the same shall be as valid as it would have been, had it been held on the first Tuesday of March.

L A W S
OF THE
STATE OF NEW-YORK,

PASSED AT THE TWENTY-SIXTH SESSION OF THE LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY, JANUARY 26, 1803.

Towns.

C H A P. V.

C O N T E N T S.

1. Town of Vernon erected from part of Jerusalem.
2. Residue of Jerusalem to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT to divide the Town of Jerusalem, in the County of Ontario.

Passed February 12th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day of February instant, all that part of the town of Jerusalem, in the county of Ontario, and bounded as follows, viz. beginning at the southeast corner of the said county, thence westerly along the south line thereof, to the east shore of the Crooked lake; thence northerly along the said east shore to the southeast shore of the outlet of said lake; thence due north to the south line of township number eight in the first range; thence along the south line of said township to the southwest corner thereof; thence northerly along the west line of said township to the northwest corner thereof; thence easterly along the north line of said township to the northeast corner thereof; thence due east to the east line of said county; thence southerly along the said east line to the place of beginning, shall be and hereby is erected into a separate town by the name of Vernon, and the first town-meeting in the said town of Vernon shall be held at the dwelling-house of Trueman Spencer in said town: And that all the remaining part of said town of Jerusalem shall be and remain a separate town by the name of Jerusalem, and that the next town-meeting of the town of Jerusalem shall be held at the house of Daniel Brown.

II. And be it further enacted, That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion

the poor maintained by the said town of Jerusalem, and the poor money belonging to the same, previous to the division thereof, agreeably to the last tax list; and that each of said towns shall for ever thereafter respectively support their own poor.

C H A P. VII.

C O N T E N T S.

1. Town of Junius erected from part of Washington.
2. Residue of Washington to remain a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT to divide the Town of Washington, in the County of Cayuga.

Passed February 12th, 1803.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day of February instant, all that part of the town of Washington, in the county of Cayuga, lying north of the Seneca river, and north of the south bounds of lots number six, seven, eight and nine, in the township of Romulus, and north of the south bounds of lots number eighteen, nineteen, twenty and twenty-one, in the late Cayuga reservation, shall be and is hereby erected into a separate town, by the name of Junius; and the first town-meeting in the said town of Junius, shall be held at the dwelling-house of James
- 2 Cotton, in said town: And all the remaining part of said town, shall be and remain a separate town by the name of Washington, and the first town-meeting shall be held at the dwelling-house of Vincent Runyon, in said town of Washington.
- 3 II. And be it further enacted, That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the said towns of Washington and Junius, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and poor belonging to the said town of Washington, previous to the division thereof, agreeably to the last tax list, and that each of the said towns shall for ever thereafter respectively support their own poor.

C H A P. VIII.

C O N T E N T S.

1. Town of Jefferson erected from part of Blenheim.
2. Residue of Blenheim to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT to divide the Town of Blenheim, in the County of Schoharie.

Passed February 12th, 1803.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day of February instant, all that part of the town of Blenheim, in the

county of Schoharie, comprehended within the following bounds, to wit: beginning at the northwest corner of the aforesaid town of Blenheim, and running from thence on the north line of said town eastward to the east side of the third range of lots in Blenheim patent; thence southerly between the third and fourth ranges of said lots to the division line between the counties of Schoharie and Delaware; thence on the said division line, between the counties of Schoharie and Delaware, to the county of Otsego; and from thence, on the said division line between the counties of Otsego and Schoharie, to the place of beginning, be and hereby is erected into a separate town by the name of Jefferson, and that the first town-meeting in the said town be holden at the house of Stephen Judd: And that all the remaining part of the town of Blenheim, shall be and remain a separate town by the name of Blenheim, and the next town-meeting in the said town shall be held at the dwelling-house of Asa Tyler.

II. *And be it further enacted*, That as soon as may be after the first Tuesday of March next, the supervisors and overseers of the poor of the said towns of Blenheim and Jefferson, shall by notice for that purpose by them to be given, meet together and divide the money and poor belonging to the said town of Blenheim, previous to the division thereof, between the said towns of Blenheim and Jefferson, agreeably to the last tax list, and that each of the said towns shall for ever thereafter respectively maintain their own poor.

C H A P. IX.

C O N T E N T S.

2. Town of Ellisburgh erected from part of Mexico.
3. Harrisburgh from part of Turin.
1. Martinsburgh from parts of Lowville, Champion and Mexico.
4. Residue of Turin, Lowville, Champion and Mexico to continue separate towns.

An ACT for erecting three new Towns in the County of Oneida.

Passed February 22d, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day of February instant, all those parts of the town of Turin, in the county of Oneida, distinguished on the surveyor-general's state map by two certain townships in Macomb's purchase, named Persia and Cornelia, bounded northerly by the towns of Mexico and Lowville, westerly, easterly and southerly by the remaining part of the town of Turin, shall be erected into a new town by the name of Martinsburgh, and the first town-meeting shall be held at the house now or lately occupied by Eliud Stephens: That all those parts of the town of Mexico, known by the township of Ellisburgh, and township number six, distinguished on the aforesaid map by the names of Minos and Henderson, shall be

- erected into a town by the name of Ellisburgh, and the first town-meeting be held at the house of Lyman Ellis: That all those parts of the towns of Lowville, Champion and Mexico, known by townships number five and ten, distinguished on the aforesaid map by the names of Platina and Mantua, shall be erected into a town by the name of Harrisburgh, and the first town-meeting be held at Jesse Blodget's; and that all the remaining parts of the towns of Turin, Lowville, Champion and Mexico, shall be and remain separate towns by the names of Turin, Lowville, Champion and Mexico, and that the next annual town-meetings to be held in said towns, shall be held at the places to which they respectively stand adjourned.

C H A P. XI.

C O N T E N T S.

1. Town of Dryden erected from part of the town of Ulysses.
2. Residue of Ulysses to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT to divide the Town of Ulysses, in the County of Cayuga.

Passed February 22d, 1803.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the day preceding the first Tuesday of March next, all that part of the town of Ulysses, in the county of Cayuga, known by the name of Dryden, and so distinguished on the map of the surveyor-general of this state, on record in the secretary's office, shall be and hereby is erected into a separate town by the name of Dryden; and the first town-meeting in the said town of Dryden, shall be held at the dwelling-house of George Robertson, in said town: And that all the remaining part of the said town of Ulysses, shall be and remain a separate town by the name of Ulysses, and the next annual town-meeting in the said town of Ulysses, shall be held at the place to which the same now stands adjourned.
2. **H**. And be it further enacted, That as soon as may be after the first Tuesday of March, in the year one thousand eight hundred and three, the supervisors and overseers of the poor of the said towns of Ulysses and Dryden, on notice being first given by said supervisors for that purpose, shall meet together and divide the money and the poor belonging to the said town of Ulysses, previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively support their own poor.

C H A P. XIII.

C O N T E N T S.

1. Town of Sullivan erected from part of the town of Cazenovia.
2. Residue of Cazenovia to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT to divide the Town of Cazenovia, in the County of Chenango.

Passed February 22d, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the last day of February instant, all that part of the town of Cazenovia lying north of the mile strip, in the late Oneida reservation, and said line continued east and west to the east and west lines of the present town of Cazenovia, shall be and is hereby erected into a separate town by the name of Sullivan, and that the first town-meeting shall be held at the house of Zebulon Douglas in said town: And that all the remainder of the town of Cazenovia shall be and remain a separate town by the name of Cazenovia, and the next town-meeting shall be held at the house of Ebenezer Johnson in said town.

II. And be it further enacted, That as soon as may be, after the first Tuesday of March next, the supervisors and overseers of the poor of the aforesaid towns, on notice being previously given by said supervisors for that purpose, shall meet and divide the poor and money belonging to the said town of Cazenovia previous to the division thereof, agreeable to the last tax list; and that each of the said towns shall for ever thereafter respectively support their own poor.

C H A P. XVI.

An ACT to correct and establish the Bounds of the Town of Steuben.

Passed February 22d, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all such parts of the patent of land granted to the late Baron De Steuben, as are now comprehended in the towns of Trenton and Remsen, be and the same are hereby annexed to the town of Steuben, any law to the contrary notwithstanding.

C H A P. XIX.

C O N T E N T S.

1. Town of Guilderlandt erected from part of Watervliet.
2. Residue of Watervliet to remain a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT for dividing the Town of Watervliet, in the County of Albany.

Passed February 26th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the fourth day

of April next, all that part of the town of Watervliet, in the county of Albany, within the following bounds, to wit: bounded on the south by the town of Bethlehem, on the west by the town of Bern, northwest by Princetown, northerly by the city of Schenectady, and north by the south bounds of the city of Albany, be and hereby is erected into a separate town, by the name of Guilderlandt, and the first town-meeting shall be held at the dwelling-house of Henry Apple, in said town.

2 II. *And be it further enacted*, That all the remaining part of the town of Watervliet shall be and remain a separate town, by the name of Watervliet, and the first town-meeting in the said town of Watervliet, shall be held at the dwelling-house of William Kain, in said town.

3 III. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns shall, after due notice being given for that purpose, by the supervisors of the said towns, meet together and apportion the money and poor belonging to the said town of Watervliet, previous to the division thereof, agreeably to the last state tax list; and that for ever thereafter each of the said towns shall support and maintain their own poor.

C H A P. XXIV.

C O N T E N T S.

1. Town of Greenwich erected from part of Argyle.
2. Residue of Argyle to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT for dividing the Town of Argyle, in the County of Washington.

Passed March 4th, 1803.

1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday of April next, all that part of the town of Argyle, in the county of Washington, lying south of a line to be drawn from the west bounds of the said county, at a point due west from the north-west corner of a farm now occupied by Solomon Smith, then running east to the said corner and on the north line of the said farm to the west line of Argyle patent; thence running southerly on the said west line of the Argyle patent, to the north line of a patent granted to Donald Campbell and others in the year one thousand seven hundred and sixty-three; thence running easterly as the north line of the said Campbell's patent now runs, to the northeast corner thereof; thence on a direct line to the northwest corner of number twenty-nine in the Argyle patent; from thence running due east to Salem west line, shall be and hereby is erected into a separate town by the name of Greenwich, and the first town-meeting shall be held at the Baptist meeting-house in said town.

2 II. *And be it further enacted*, That all the remaining part of the

town of Argyle, shall be and remain a separate town by the name of Argyle, and the first town-meeting shall be held at the dwelling-house of John White in said town.

III. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns, shall, after due notice being given for that purpose by the supervisors of said towns, meet together and apportion the money and poor belonging to the said town of Argyle, previous to the division thereof, agreeable to the last tax list; and that each of the said towns shall for ever thereafter support their own poor.

C H A. P. XXXVI.

C O N T E N T S.

1. Town of Thompson erected from part of Mamakating.
2. Residue of Mamakating to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT to divide the Town of Mamakating, in the County of Ulster.

Passed March 19th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday in April next, all that part of the town of Mamakating situate, lying and being within the following limits and bounds: beginning on the line of Rochester four miles westerly from the public highway which leads from Kingston to Minnifinck, running from thence southerly so as to strike the line which divides the towns of Mamakating and Deerpark, four miles and a half westerly of the aforesaid road leading from Kingston to Minnifinck; from thence westerly along the line of Deerpark to the Mongaap creek; from thence northerly along the west branch of the Mongaap to where it intersects the line of the town of Nevifinck; then easterly along the town of Nevifinck to the town of Rochester; thence easterly along the town of Rochester, to the place of beginning, shall be and is hereby erected into a separate town, by the name of Thompson; and the first town-meeting of the said town of Thompson shall be held at the house of Abraham Wearing in said town: And that all the remaining part of the town of Mamakating shall be and remain a separate town, by the name of Mamakating; and the next annual town-meeting of the said town of Mamakating shall be held at the place to where it now stands adjourned.

II. *And be it further enacted*, That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of said towns of Mamakating and Thompson, on notice being first given by the said supervisors for that purpose, shall meet together at the house of Johannis Mastin, in the town of Mamakating, and divide the money and the poor belonging to the town of Mamakating previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively maintain their own poor.

C H A P. XLIII.

C O N T E N T S.

2. Town of Granger erected from part of Livingston.
3. Gallatin, erected from the same.
1. Livingston, residue thereof to remain a separate town--boundaries described.
4. Supervisors and Overseers of the Poor, their duty.
5. Hartwick, in Otsego County, northern bounds thereof altered.

An ACT to divide the Town of Livingston, in the County of Columbia, into three Towns, and for other Purposes.

Passed March 19th, 1803.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, that part of the town of Livingston, in the county of Columbia, lying west of a straight line to be run from the northeast corner of the house of Frederick Houser, in the town of Claverack, to Roelooft Jansen's kill, striking the northeast corner of the house wherein Thomas Swart now lives, shall be and remain a separate and distinct town, by the name of Livingston; and that the first town-meeting therein shall be held at the house now occupied by Abraham Post; and that the remaining part of the said town of Livingston shall be and hereby is erected into two towns, in manner following, to wit: those certain lots known as lots number one and two, shall be and hereby are erected into a separate and distinct town, by the name of Granger; and that the first town-meeting therein shall be held at the house of Jonas Miller; and that the residue of the said town, known as lots number three and four, shall be and hereby is erected into a separate and distinct town, by the name of Gallatin; and that the first town-meeting therein shall be held at the house now occupied by John C. Kline.
- II. *And be it further enacted*, That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of the towns of Livingston, Granger and Gallatin aforesaid, on notice being previously given by said supervisors for that purpose, shall meet and divide the money and poor belonging to the said town of Livingston, previous to the division thereof agreeable to the last tax list, and that each of the said towns shall for ever after support their own poor.
- III. *And be it further enacted*, That from and after the last Tuesday of February next, the north line of the town of Hartwick in the county of Otsego, shall be established in the following manner, to wit: beginning at a beech tree in the east line of Smith's tract, in Croghan's patent, at the southwest corner of Theophilus Whaley's land; thence east along an old line of marked trees, on the south line of said Whaley's and Abel Sill's land, and the south line of the twelve thousand acre tract, and continued to the middle of the river Oaks; thence down the middle of the river to the Susquehannah river.

C H A P. LII.

C O N T E N T S.

1. Canton erected from parts of Catskill, Coxsackie and Freehold.
2. Greenfield from parts of Coxsackie and Freehold.
3. Windham, parts of Catskill and Freehold annexed to.
4. Residue of Catskill, Coxsackie and Freehold to remain separate towns.
5. Supervisors and Overseers of the Poor, their duty.

An ACT for dividing certain Towns in the County of Greene.

Passed March 26th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday of April next, all those several parts of the towns of Catskill, Coxsackie and Freehold, included in the following bounds, viz. Beginning at an oak tree, on the bank of the Peetick creek, near the fulling mill of Ezekiel Benton, in the town of Coxsackie; thence northerly along said creek, until it intersects the Schoharie turnpike road, at or near the dwelling-house of Calvin Wright; thence westerly along said turnpike road, until it intersects the west line of the town of Coxsackie; thence southerly to where it intersects the Susquehannah turnpike road, two chains south of the dwelling-house of Daniel Crane; thence in a direct line until it intersects the Batavia road, one chain north of the dwelling-house of Bildad Hines; thence continuing said line to the summit of the Catskill mountains; thence southerly along the top of said mountains, until it intersects the line run from the place of beginning, which said line is south sixty degrees west; thence to the place of beginning; shall be and hereby are erected into a separate town by the name of Canton; and the first town-meeting shall be held at the dwelling-house of Mary Carbine.

II. *And be it further enacted,* That all those several parts of the towns of Coxsackie and Freehold, included in the following bounds, viz. Beginning on the northwest bounds of the patent of Augustus Prevost; thence easterly along the lines of Freehold and Rensselaerville, until it strikes the west line of the town of Coxsackie; thence easterly along the line of Coxsackie and Coeymans, three and an half miles; thence southerly on a parallel line with the west line of the town of Coxsackie, until it intersects the Schoharie turnpike road; thence westerly along said turnpike road, until it intersects the west line of the town of Coxsackie; thence south sixty-five degrees and thirty-six minutes west, to the middle of Catskill creek; thence up the middle of said creek, so far as where a straight line to be drawn from the west line of Augustus Prevost's patent, will intersect said patent of Augustus Prevost; thence to the place of beginning; shall be and are hereby erected into a separate town by the name of Greenfield; and the first town-meeting shall be held at the dwelling-house of Ell Knowles.

- 3 III. *And be it further enacted*, That all those several parts of the towns of Catskill and Freehold, lying west and southerly of the Summit of the Catskill mountain, shall be and are hereby annexed to the town of Windham.
- 4 IV. *And be it further enacted*, That all the remaining parts of the towns of Catskill, Coxsackie and Freehold, shall continue to be and remain separate towns, and retain their former names.
- 5 V. *And be it further enacted*, That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns, shall after due notice being given for that purpose, by the supervisors of the said towns, meet together and apportion the money and poor belonging to the said towns, previous to the division thereof agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively maintain their own poor.

C H A P. LXXXIII.

C O N T E N T S.

1. Town of Tully erected from Fabius.
2. Residue of Fabius to continue a separate town.
3. Supervisors and Overseers of the Poor, their duty.

An ACT to divide the Town of Fabius, in the County of Onondaga.

Passed April 4th, 1803.

- 1 I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday in March next, all that part of the town of Fabius, in the county of Onondaga, known by the name of Tully, together with all that part of the township of Sempronius, lying east of Skeneateles lake, and distinguished on the map of the surveyor-general of this state, as will appear on record in the secretary's office, shall be and the same is hereby erected into a separate town by the name of Tully, and the first town-meeting in the said town of Tully, shall be held at the dwelling-house of Samuel
- 2 Trowbridge, in said town; and that all the remaining part of the town of Fabius, shall be and remain a separate town by the name of Fabius.
- 3 II. *And be it further enacted*, That as soon as may be after the first Tuesday in March next, the supervisors and overseers of the poor of the said towns of Fabius and Tully, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and poor belonging to the town of Fabius previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively maintain their own poor.

Counties and Towns.

C H A P. LXIX.

CONTENTS.

8. Courts in St. Lawrence, when to be held at the new Court-House.
2. Town of De Ruyter, bounds thereof altered.
1. Hamilton, ditto.
3. Ontario county, part of Cayuga annexed to.
5. St. Lawrence county, Supervisors of, to receive subscription monies and apply the same to building a Court-House and Gaol.---6. to account with the Judges of the county.
7. Sheriff of, when authorized to remove his prisoners to the new Gaol.
9. ----- what security necessary for him to give.
4. Town of Verron, part of Jerusalem annexed to.

An ACT to amend an Act, entitled "An Act to divide the Counties of this State into Towns."

Passed April 2d, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, all that part of the county of Chenango, comprehending the second, third, fourth and fifth of the twenty townships in said county, shall be and continue a town by the name of Hamilton, and that so much of the act, entitled "An Act to divide the counties of this state into towns," as respects the town of Hamilton, shall be and hereby is repealed.

II. *And be it further enacted*, That all that part of the said county of Chenango, bounded northerly by Cazenovia, west by the west bounds of the county, southerly by a line beginning at the southwest corner of a tract of land commonly called De Ruyter township; thence easterly to the west line of the twenty townships; thence north to the southwest corner of township number seven; thence east to the southeast corner thereof; then north by the west line of Sherburne and Hamilton, shall be and continue a town by the name of De Ruyter. *And whereas* part of the towns of Seneca and Jerusalem, as the same are described in the act, entitled "An Act for dividing the counties of this state into towns," passed 7th April, 1801, is included within the bounds of the county of Cayuga: Therefore,

III. *Be it further enacted*, That so much of the county of Cayuga as is included within the towns of Seneca and Jerusalem, as described in the said act, be and the same is hereby annexed to the county of Ontario; and so much thereof as is included within the said town of Jerusalem shall be and the same is hereby annexed to the town of Vernon, and the residue thereof shall belong to the town of Seneca.

IV. *And be it further enacted*, That it shall be lawful for the supervisors of the county of St. Lawrence, and they are hereby authorized to receive the monies subscribed by the inhabitants of the said county, for building a court-house and gaol on the east

6 side of the mouth of the Oswegotchie river, opposite to the old barracks ; and to apply such monies for building the said court-house and gaol in such manner as they or the majority of them shall judge most for the interest of the said county, and shall account for the expenditures of the said money, with the judges of the court of common pleas for the said county.

7 V. *And be it further enacted*, That as soon as the said supervisors, or a majority of them, shall by writing under their hands certify to the sheriff of the said county, that the gaol hereby authorized to be built, is fit for the reception of prisoners, it shall and may be lawful for the said sheriff, after filing the said certificate in the office of the clerk of the said county, to remove the prisoners into the said gaol ; which gaol thereafter shall be the
8 gaol of the said county : and that as soon as the said court-house is finished sufficiently, so as to be comfortable for holding court, and a certificate thereof by the said supervisors, or a majority of them, delivered to the judges of the said court, and filed in the clerk's office, shall thereafter be the court-house for the said county, to all intents and purposes.

9 VI. *And be it further enacted*, That until further order of the legislature it shall not be necessary for the sheriff of the said county to give bonds to the people of this state for a larger sum than four thousand dollars, himself in one thousand dollars, and six sureties in five hundred dollars each.

City of New-York.

C H A P. X.

C O N T E N T S.

1. Commissioner of Excise, his compensation.---2. His duty.

An ACT establishing an Allowance to the Commissioner of Excise in the City and County of New-York, and for other Purposes therein mentioned.

Passed February 22d, 1803.

1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the commissioner of excise for the city and county of New-York, for the time being, shall be entitled for his services to the sum of five hundred dollars per annum, instead of the compensation now allowed by law, which it shall and may be lawful
2 for him to retain out of the monies which shall or may come into his hands from the duty of excise aforesaid : And further, that the said commissioner shall keep an account of the persons to whom licences shall be granted in the said city and county, and of the sums by each of the said persons paid therefor, and file the same with the chamberlain of the said city on or before the last day of April in every year, instead of the time at present directed by law.

C H A P. XXIX.

C O N T E N T S.

4. Common Council, what to constitute a quorum of the Board of.
1. Wards, encreased to nine.
2. ----- Boundaries thereof described.
3. ----- Officers to be chosen in each of them.

An ACT to increase the Number of Wards in the City of New-York, and to equalize the same.

Passed March 8th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of October next, the city of New-York shall be and hereby is divided into nine wards, in the manner following, that is to say; The first ward shall begin in the middle of Pearl-street, at the place where it is intersected by Pine-street, and run from the said point of intersection along the middle of Pine-street to and across the East river, in the same direction to low water mark on Nassau island, and then along Nassau island shore at low water mark unto the south side of Red-hook, and then across the North river so as to include Nutton island, Bedlow's island, Bucking island and the Oyster islands, to low water mark on the west side of Hudson's river, or so far as the bounds of this state extend there, and up along the west side of Hudson's river, at low water mark, or along the limits of this state, to a place due west from the middle of the west end of Thames-street; then due east to the middle of Thames-street; then along the middle thereof to the middle of Broadway; then along the middle thereof to a place opposite to the middle of Pine-street; then along the middle thereof to the place of beginning.

The second ward shall begin at the southeasterly corner of the first ward, and run along the easterly bounds thereof, across the East river, to and along the middle of Pine-street, to the middle of Nassau-street; then along the middle of Nassau-street to a point opposite the middle of George-street; then along the middle of George-street to and along the middle of Gold-street, to the middle of Ferry-street; thence along the middle of Ferry-street and Peck-slip, on a direct line across the East river, to Nassau island, at low water mark; then along Nassau island, at low water mark, to the beginning.

The third ward shall begin on the west side of Hudson's river, at the northwesterly corner of the first ward; thence due east along that line across Hudson's river to the middle of Thames-street; then along the middle thereof to the middle of Broadway; then along the middle of Broadway, to a place opposite to the middle of Pine-street; then along the middle of Pine-street to and along the middle of Nassau-street, to a place opposite to the middle of Murray-street; then to and along the middle of Murray-street to Hudson's river, and then continuing the same course across Hudson's river to low water mark on the west side

thereof, or so far as the bounds of this state extend there, and so down along the west side of Hudson's river at low water mark, or along the limits of this state, to the place of beginning.

The fourth ward shall begin at the northerly corner of the second ward, and run along the bounds of the third ward, and middle of Chatham-street to a place opposite to the middle of Catharine-street, and then to and along the middle of Catharine-street to the East river, and continuing the same course across the East river, to low water mark, on Nassau island; then along Nassau island shore, at low water mark, to the bounds of the second ward; and then northerly, along the same, to the place of beginning.

The fifth ward shall begin at the northwesterly corner of the third ward, and run along the northerly bounds thereof, to the middle of Broadway; then along the middle of Broadway, to the middle of the stone arch, built across the stream running out of the fresh water pond, and then along the middle of the said stream of water to Hudson's river, and then due west to low water mark on the west side of Hudson's river, or so far as the bounds of this state extend there, and so down along the west side of Hudson's river, at low water mark, or along the limits of this state, to the beginning.

The sixth ward shall begin at the place where Murray-street intersects Broadway; thence along the middle of Broadway to the middle of Grand-street; then along the middle of Grand-street to the middle of the Bowery road; thence along the middle of Bowery road to the middle of Chatham-street; then along the middle of Chatham-street to a place opposite to the middle of Murray-street; then along the middle of Murray-street to the place of beginning.

The seventh ward shall begin at the southeasterly corner of the fourth ward; thence along the northerly boundary of said ward to the boundary of the sixth ward; then along the boundary of the sixth ward to Bowery road; thence along the middle of Bowery road to a place opposite to the middle of Stuyvesant-street; then along the middle of Stuyvesant-street, in front of St. Mark church, to the East river, and on a direct course to low water mark on Nassau island, and then along Nassau island shore, at low water mark, to the place of beginning.

The eighth ward shall begin at the northwesterly corner of the fifth ward, and thence along the northerly bounds of the fifth ward, and along the boundary of the sixth ward, to the middle of Bowery road; then along the middle of Bowery road to a place opposite to the middle of Love-lane; then down along the middle of Love-lane, and on the same course, to low water mark on the west side of Hudson's river, or so far as the limits of this state extend there, and so down along the west side of Hudson's river at low water mark; or along the limits of this state to the beginning.

The ninth ward shall include all the residue of the said city.

3 II. *And be it further enacted*, That the electors of each ward shall annually choose, according to law, one alderman and one as-

stant, two assessors, one collector and two constables; and that not less than the mayor or recorder and five aldermen and five assistants, shall be a quorum of the common council of said city, or be competent to do any business.

C H A P. XXXVIII.

C O N T E N T S.

1. Corporation may raise 45,000 dolls. on Estates in the City, and
2. 30,000 dollars on Estates within a certain Part thereof.
4. Fees for Collection.
3. Taxes, how to be levied and collected.

An ACT to enable the Mayor, Recorder and Aldermen of the City of New-York to order the raising Monies by Tax for the Purposes therein mentioned.

Passed March 19th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the mayor, recorder and aldermen of the city of New-York, or the major part of them, of whom the mayor or recorder shall be one, be and they are hereby empowered, as soon as conveniently may be after the first day of May next, to order the raising a sum not exceeding forty-five thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants within the said city and county of New-York, to be applied to the support and maintenance of the poor of the said city and county, the support and repairs of the Bridewell, the support and maintenance of criminal prisoners, the making, repairing, regulating and improving the public roads and streets, and the defraying other contingent expences arising within, and properly chargeable to the said city and county; and also a further sum not exceeding thirty thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants within the said city, to the southward of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudson river, thence extending to and along the north side of the dwelling-house late of Nicholas Bayard, deceased; thence along the middle of William-street to and across the Bowery lane, to Bullock-street, to the East river, to be applied to the payment of so many watchman as the mayor, aldermen and commonalty of the said city, in common council convened, shall from time to time determine to be necessary for guarding the said city; to the purchase of oil, providing lamps, and repairing and attending those which now are or hereafter may be erected in the said city; to the cleaning, repairing and making the public wells and pumps in the said city, and to defray the other contingent expences arising in and properly chargeable to that part of the said city which lies to the southward of the line aforesaid, as the said mayor, aldermen and commonalty, in common council convened, may from time to time direct, and for supplying the deficiencies

of former taxes upon the same part of the said city, owing to insolvencies and fees of collection not heretofore provided for.

- 3 - II. *And be it further enacted*, That the said several sums of money shall be assessed and collected in the manner directed by the act, entitled "An Act for the assessment and collection of taxes," and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such time after the said first day of May next as the said mayor, recorder and aldermen, or the major part of them, of whom the mayor or recorder shall be one, shall direct or appoint.

- 4 III. *And be it further enacted*, That it shall be lawful for the collectors of the first, fourth, fifth and sixth wards of the said city, to retain in their hands four cents on each dollar; and for the collectors of the seventh ward, to retain in their hands five cents on each dollar; and the collectors of the several other wards of the said city, to retain in their hands three cents on each dollar by them collected, and no more, for their trouble in collecting and paying to the chamberlain of the said city, such sum of money as shall be raised by virtue of this act.

C H A P. LXII.

An ACT to increase the Number of Auctioneers in the City of New-York.

Passed March 31st, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint annually for ever hereafter, six auctioneers in and for the city and county of New-York, in addition to the number heretofore prescribed by law.

C H A P. LXX.

C O N T E N T S.

40. This Act declared public.---41. How long to continue in force.
38. 16th and 17th Sections, how to be carried into effect.
6. Boarding Houses and Taverns, to be regulated.
23. Clerk of the City, to furnish Sextons with blank schedules, &c.
1. Common Council, authorized to make bye-laws relative to filling up, draining and regulating grounds, yards and cellars.
33. Cotton, what kind, and in what manner to be landed in the city.
5. Dead, interment in the city, how regulated or prevented.
12. Dogs may be taxed or destroyed.
44. Gaol liberties, may be altered by the Mayor's Court.
7. Ground new made, not to be removed in Summer.
13. Inspectors of lots, Com. Council to appoint.---14. Their powers and duties.
2. Lots, proprietors compelled to fill up.---15. Expence attending when owned by more than one person, how assessed.
26. Mayor, when to give certificates of the general health of the city to Masters of vessels.

CITIES.

17. Necessary works, Common Council may cause to be done, and the expences thereof may assess and collect.---18. Such expences to remain an incumbrance on the houses and lots until paid, with interest and costs.
9. Pawn Brokers and dealers in second hand furniture, &c. to be regulated by Com. Council---10. to be licensed---11. and to enter in to recognizance.
8. Penalties, may be inflicted not exceeding 100 dolls. to enforce a compliance with the bye-laws.
20. ----- On Physicians, for neglect of duty.
24. ----- On Sextons, for neglect of duty.
27. ----- Under this act and the poor act, how recovered and appropriated.
34. ----- Not exceeding 25 dollars, how recovered.
28. ----- Common Council may remit or compound.
19. Physicians, their duty in case of the death of a person whom they attend.---25. When required, to give their opinion with regard to infectious diseases.
39. Pleadings, under this Act, what to be.
4. Privies and Sinks, may be filled up or altered.
32. Provisions, putrid or unsound, may be destroyed.
3. Public Slips.---15, 16. Expense attending altering, &c.
21. Sextons, not to permit interments until they receive a written note of the disease of which the deceased died.
22. ----- To make entries of the contents of the notes, and deliver the same to the clerk of the city.
42. Sheriff, to pay a certain sum out of fines collected, to the constables attending courts.
43. State Prison, no inspector of, to act as agent thereof.
29. Streets, no new one to be laid out without permission of C. Council.
30. ----- New, what to be considered such.
31. ----- Buildings erected on, not to be removed till paid for.
35. ----- Common Council may extend, enlarge or straighten.
36. ----- When straightened, enlarged or improved, damages sustained by individuals thereby, how determined.
37. ----- Expences of enlarging or straightening, how paid.

An ACT to invest the Mayor, Aldermen and Commonalty of the City of New-York with adequate Powers in Relation to certain Objects of Importance to the Police and Health of the said City.

Passed April 2d, 1803.

WHEREAS the general welfare of the state is connected with the safety and health of the city of New-York, which has been visited by destructive and epidemic disease, the causes of which, as far as human wisdom can discover, ought to be removed, and such measures adopted as, by divine favour, may prevent the return of that fatal malady. *And whereas* it is represented to the legislature, that noxious exhalations from sunken and damp lots of ground, deep damp cellars, narrow and confined streets, foul and ill-constructed sinks, and privies unfinished, water lots, foul slips, putrid or unsound provisions, and other evils of a similar nature, together with the practice of interring the dead in the heat of summer in improper places, and without due precau-

tions, are among the causes, to which the existence or malignity of that disease may be in a great measure attributed : Therefore, to remedy the said evils,

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the mayor, aldermen and commonalty of the said city, in common council convened, shall have full power and authority to make and pass such bye-laws and ordinances as they shall from time to time deem necessary and proper for the filling up, draining and regulating of any grounds, yards or cellars within the said city, that may be sunken, damp, or unwholesome, or which they may deem proper to fill up, drain, raise, lower or regulate ; and also, for causing all such lots of ground in the said city, adjoining to Hudson's river or to the East river or Sound, as they may from time to time think proper, to be filled up with wholesome earth, or other solid materials, so far into the said rivers respectively as they shall from time to time deem expedient for promoting the health of the said city ; and for compelling the proprietors of such lots to make suitable bulk-heads on, adjoining or opposite to such lots, and to raise and fill up the same with such materials and in such manner and within such times as the said mayor, aldermen and commonalty shall from time to time direct ; and also for filling up, altering and amending of all public slips in the said city, at such times and in such manner as they may deem proper ; and for filling up or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and for causing subterraneous drains to be made from the same, where they may think it necessary ; and for regulating or if they find it necessary, preventing the interment of the dead within the said city ; and for the better regulating of boarding-houses and taverns in the said city, and the preventing the resort of crowds of disorderly persons to them ; and for preventing the digging or turning up of made ground or grounds formerly covered with water, during the summer months without their permission.

- II. *And be it further enacted,* That such penalties may be contained in such bye-laws or ordinances as the said mayor, aldermen and commonalty, shall or may from time to time think proper, in order to enforce a prompt and punctual compliance with the same, and for the punishment of all offenders in the premises, not exceeding one hundred dollars for each offence ; and that the said mayor, aldermen and commonalty may from time to time make laws for the regulating of pawn brokers, and dealers in the purchase or sale of second hand furniture, metals or cloths ; and that every person carrying on either of the said callings, trades or dealings, shall have a licence from the mayor of the said city for the same, under the directions of the mayor, aldermen and commonalty of the said city, and shall enter into a recognizance in the penalty of one hundred dollars, conditioned for the observance of such ordinances as may be made by the common council of the said city in the premises ; and the said common council are here-

by authorized and empowered to make bye-laws and regulations relative to the taxing and destroying of dogs within the said city.

III. *And be it further enacted,* That it shall and may be lawful 13 for the said mayor, aldermen and commonalty, in common council convened, to appoint one or more persons as inspectors of lots in the said city, who shall have power at all times between sun 14 rise and sun set, to enter into any cellar, lot of ground or building of any kind, and to examine the state thereof, and to report the same to the said common council, whenever he or they shall judge that the health of the city may require any alterations or regulations therein.

IV. *And be it further enacted,* That in all cases where the said 15 bye-laws or ordinances shall require any thing to be done, by or with respect to the property of several persons, or in relation to the filling up, altering or amending any of the public slips in the said city, the said mayor, aldermen and commonalty, in common council convened, shall cause the expense of such works to be estimated and assessed in the same manner as is by law directed, with respect to the paving, altering or regulating the public streets in the said city; and where the same shall relate to the filling up, 16 altering or amending the public slips as aforesaid, one third of the expence attending the same shall be borne by the said mayor, aldermen and commonalty, and the residue by the persons in the vicinity who may be benefitted thereby, and in other cases such expenses shall be borne by the persons respectively upon whom the same may be assessed as aforesaid.

V. *And be it further enacted,* That it shall and may be lawful 17 for the said mayor, aldermen and commonalty, in all cases where they may deem it necessary, for the more speedy execution of the said bye-laws and ordinances, or any of them, to cause all such works as may be necessary for any of the purposes aforesaid, or any part thereof, to be executed and done at their own expense, on account of the persons respectively upon whom the same may be assessed, and shall have full power and are hereby authorized to levy the same, with lawful interest, and all reasonable costs and expenses attending such proceedings by distress and sale of the goods and chattels of the proprietors or occupants of the property upon or by reason of which any such sum shall have been assessed, or to recover the amount of every such expense, by action of debt, in any court of record, from the persons respectively on whose account the same shall have been incurred, their respective heirs, executors or administrators, in all which actions they shall also recover lawful interest upon the said amount, with full costs of suit.

VI. *And be it further enacted,* That the amount of every such 18 expense which the said mayor, aldermen and commonalty shall pay as aforesaid on account of others, shall be a real incumbrance upon the houses and lots in respect to which such assessments as aforesaid shall have been made, and shall bear lawful interest until paid, and that the same may be recovered; or the payment there-

of, with costs, enforced in like manner as if the said houses and lots were mortgaged to the said mayor, aldermen and commonalty, for the payment thereof.

19 VII. *And be it further enacted*, That whenever any person shall die in the city of New-York, the physician or surgeon who shall have attended such person, as a physician or surgeon, during his or her last sickness, shall leave a note in writing, signed with his name, with some one of the family in the house where such person shall have died, specifying the name and apparent age of the
20 deceased, and the disease of which he or she shall have died; and every physician or surgeon refusing or neglecting to make and
21 deliver such note, shall forfeit the sum of fifty dollars; and that no sexton of any church, or other person having charge of any cemetery, vault or burying ground in the said city, shall permit any dead body to be interred therein until he has received such note, in writing, so signed as aforesaid; or in case no physician or surgeon shall have attended such deceased person, or the physician or surgeon who did attend shall have neglected or refused to leave such note, then a like note signed by some of the family in which
22 such person shall have died, the contents of which note in writing,
23 shall be entered by such sexton on a blank schedule, to be furnished by the clerk of the city and county aforesaid, and delivered together with the said schedule, on the Saturday in every week, to the said clerk for publication in such form as may be designated by any present or future ordinance of the mayor, aldermen and
24 commonalty of the city of New-York: and that every sexton, or other person having charge of any place of interment, neglecting or refusing to perform any of the duties required by this act, shall forfeit the sum of twenty-five dollars.

25 VIII. *And be it further enacted*, That every practitioner of physic in the said city, shall, whenever called on for that purpose by the mayor, or in his absence by the recorder, give his opinion in writing as to the existence of any infectious or contagious disease
26 in the said city; and that the said mayor may, when thereunto required, if such opinion will in his judgment warrant it, deliver certificates under his seal of office, to masters of vessels sailing from the said city, stating the general health of the said city.

27 IX. *And be it further enacted*, That all suits for any penalties imposed by this act, and all penalties or any bonds taken in the said city under the act, entitled "An Act for the settlement and relief of the poor," shall, whenever the same shall be deemed to be forfeited, be sued for, recovered and levied under the direction of the mayor of the said city, in the name of the mayor, aldermen and commonalty of the city of New-York, and the proceeds there-
28 of be by them applied to the public use of the said city; and that the common council of the said city may have power to remit or compound for the said penalties or forfeitures, whenever the same shall appear to them not to have been wilfully or fraudulently incurred.

29 X. *And be it further enacted*, That no new street shall hereafter

be laid out, in the said city, except with the approbation and permission of the mayor, aldermen and commonalty, in common council convened: and that if any street shall be laid out without such permission, it shall be lawful for the said mayor, aldermen and commonalty, by bye-law or ordinances, to direct the same to be stopped up, and all buildings adjoining thereto to be removed by the proprietors or occupants, within such times and under such penalties as they shall think proper.

XI. *And be it further enacted*, That all streets not already named and opened, shall be considered as new streets within the meaning of this act: *Provided*, That no building erected on any such street not already named and opened shall be removed, until it shall be determined, in the mode prescribed in and by the second section of the act, entitled "An Act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the 3d day of April, 1801, what damage or loss the owner of such buildings will sustain by means of such removal, and until the money awarded to such owner shall be paid or tendered to him.

XII. *And be it further enacted*, That whenever any putrid or unsound beef, pork, fish, hides or skins of any kind, shall be found within the said city, it shall be lawful for the said mayor, aldermen and commonalty; or any one of the inspectors of those articles or any of them, or any person or persons acting under them, or any of them, to cause the same to be destroyed, by starting it or casting them into the stream of either of the said rivers, below low water mark, and at a suitable distance from the shore, or in such other manner as the said mayor, aldermen and commonalty, shall or may from time to time direct.

XIII. *And be it further enacted*, That cotton in bales, which is the produce of North-Carolina, South-Carolina, and Georgia, shall and may be brought into the city of New-York at all times. *Provided nevertheless*, That the commissioners of the health office shall be and they are hereby authorized to order and direct all such cotton as may be brought to said city between the first day of June and the first day of November, to be landed and stored in such part of the city as will in their judgment be least injurious to health, any law to the contrary notwithstanding.

XIV. *And be it further enacted*, That in all cases where a penalty shall or may be contained in any bye-law or ordinance of the said mayor, aldermen and commonalty, and the same not being higher than twenty-five dollars, a suit shall be brought for the recovery thereof, a warrant (if required) shall issue in the first instance against the defendant, and as soon as judgment shall be obtained for the recovery of such penalty, execution shall issue for the same with costs of suit, without any respite or delay.

XV. *And be it further enacted*, That whenever in the opinion of the mayor, aldermen and commonalty of the city of New-York, in common council convened, it shall be necessary for the public convenience to open, extend, enlarge, straighten or otherwise improve any street or streets in the city of New-York, it shall be

- lawful for the said common council to order and direct the same to be done accordingly, in such manner as they shall think most advisable, notwithstanding it may become necessary for that purpose to remove any building or buildings, or to take for that purpose any ground which shall be then built on or otherwise improved; and that the said mayor, aldermen and commonalty shall endeavour to treat and agree with the owners of, or those interested, in any building or buildings or ground, to be removed or taken for the purposes aforesaid, as to the compensation to be allowed them respectively for what shall be so taken or removed, and the damages or injury the persons interested therein shall sustain thereby, and to pay them, if they can agree; but if the persons so interested therein, or any of them, shall refuse to treat, or if the common council and the parties, or any of them, cannot agree, then the said common council shall pursue such measures in relation to compensation to be made to or paying the damages and injury which the owners or those interested therein may sustain thereby, as are directed by the second section of the act, entitled "An Act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the 3d day of April, 1801, which directions being complied with, the same shall be binding and conclusive in the manner in the said second section of the said act prescribed, in all respects; and the right to the said streets, when so laid out and made, shall vest in the said mayor, aldermen and commonalty of the city of New-York, in manner aforesaid.
- 37 XVI. *And be it further enacted*, That all the expenses which the said mayor, aldermen and commonalty of the city of New-York shall incur, and the monies which they shall pay or become bound to pay in consequence of the lawful exercise of the power and authority conferred upon them by this act, shall be estimated and assessed among all the owners or occupants of all the houses and lots of ground intended to be benefitted thereby, in the manner directed in and by the eleventh section of the act, entitled "An Act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the 3d day of April, 1801, and shall be binding and conclusive, and be collected in the manner therein prescribed: *Provided*, That when any building shall be removed or taken for the purposes in and by this act directed or authorized, it shall be in the discretion of the assessors to assess any portion of the sum to be paid therefor, not exceeding one third part thereof, on the mayor, aldermen and commonalty of the city of New-York, who shall be bound to pay the same out of the city treasury.
- 38 XVII. *And be it further enacted*, That all the forms of proceedings necessary to carry the sixteenth and seventeenth sections of this act, and the powers hereby conferred into effect, shall be conformable as far as shall be practicable to the directions of the act herein last before mentioned and referred to, as though the same were herein again repeated.

XVIII. *And be it further enacted, That if any person shall be* 39
fined for any thing done in pursuance of this act, it shall be lawful
for such person to plead the general issue, and to give this act and
the special matter in evidence.

XIX. *And be it further enacted, That this act shall be consider-* 40
ed as a public act, and be liberally expounded and construed to
advance the ends thereof, and enable the said mayor, aldermen
and commonalty to promote the health and improve the police of
the said city.

XX. *And be it further enacted, That this act shall be and continue* 41
in force for three years from the passing thereof, and no longer.

XXI. *And be it further enacted, That it shall be lawful for the* 42
sheriff of the city of New-York, to pay out of the surplus monies
arising from fines and penalties by him collected, to each of the con-
stables and marshals of the said city, the sum of seventy-five cents,
for each and every day they shall respectively attend any of the
courts of said city or state, to be holden in said city, upon the cer-
tificate of the clerk of such court, that they have duly attended the
same.

XXII. *And be it further enacted, That no person acting as in-* 43
spector of the state-prison shall be competent or permitted to act
as agent of said state-prison.

XXIII. *And be it further enacted, That it shall and may be law-* 44
ful for the judges of the court of common pleas, called the mayor's
court, in the city of New-York, or a majority of them, to alter or
change the limits or liberties of the gaol in the said city and coun-
ty of New-York, as often as they may deem the same proper and
necessary, any law to the contrary notwithstanding.

City of Hudson.

C H A P. IV.

C O N T E N T S.

1. 5. Buildings in the compact part of the city, how to be built.
2. Penalty on proprietors for building contrary to the directions of this act.---3. And on workman.
4. ----- How recovered and applied.
6. Ten Pound Act, part of it repealed so far as it respects Columbia county.

*An ACT for the more effectual Prevention of Fires, and to regulate
certain Buildings in the City of Hudson, and for other Purposes.*

Passed March 26th, 1803.

WHEREAS the frequent instances of fire in populous cities
renders it necessary to use every possible precaution against
such calamities : *And whereas* the regulation of the buildings of
the said city will greatly contribute thereto : Therefore,

- I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of August next ensuing, every dwelling-house or other building, which shall be erected or built within the compact part of the said city, (as lately surveyed by Jonas Smith) shall be made or constructed of stone or brick, with party or fire walls twelve inches above the roof; and if any dwelling-house or other building whatsoever, shall be erected contrary to this act, the proprietor or proprietors thereof shall for every such offence, forfeit and pay the sum of one hundred dollars; and the workman who shall build such dwelling-house or other building contrary to this act, shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, in any court of record having cognizance of the same, by any person or persons who will sue or prosecute for the same to effect, the one moiety or half part of which penalties, when recovered, to be paid to the chamberlain of the said city, for the use of the poor thereof, and the other moiety thereof to such person as will sue for the same as aforesaid: *Provided always*, That buildings with posts not to exceed ten feet in height, to stand on a wall not to exceed two feet above the level of the street, may be built of wood and boards, or brick and stones, any thing in this act to the contrary notwithstanding.*
- II. And be it further enacted*, That so much of the sixth section of the act, entitled "An Act for the more speedy recovery of debts to the value of twenty-five dollars," passed the seventh day of April, one thousand eight hundred and one, as directs that no person shall be proceeded against by summons out of the city, where he or she does reside, shall be and the same is hereby repealed so far as respects to the county of Columbia.

City of Albany and Village of Troy.

C H A P. CV.

C O N T E N T S.

1. Albany City, remedies of the 16th, 17th and 18th sections of a certain Act relating to, extended.
2. Troy Village, bounds thereof altered.
3. ----- style and rights of, to continue.
4. ----- Trustees of, authorized to appoint additional Firemen.

An ACT to amend the Act, entitled "An Act to reduce the several Laws relating particularly to the City of Albany into one Act, and to make further Alterations in the Charter of the said City.

Passed March 3d, 1803.

- I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the remedies given by the sixteenth, seventeenth and eighteenth sections of the act, entitled "An Act to reduce the several laws relating particularly to*

the city of Albany into one act, and to make further alterations in the charter of the said city," shall be and hereby are extended to all expenses which have been incurred or shall hereafter be incurred by the mayor, aldermen and commonalty of the said city, by reason of the neglect or refusal of any person or persons to obey and conform to any ordinance of the common council of the said city, for pitching, levelling, paving and repairing any of the streets in the said city, or for making any other improvements within the said city, according to the true intent and meaning of the said recited act, or of any other statute of this state; and that the like evidence as is allowed in and by the aforesaid eighteenth section of the said recited act, shall in every case arising under this act be conclusive for the plaintiffs.

II. *And be it further enacted,* That the bounds of the village of Troy, instead of those described in the act of incorporation, shall be as follows, to wit: beginning on the north side of a certain creek called Poesten kill, where there was formerly a saw mill, fifty-eight chains from the Hudson river, and runs from thence down along said creek to the said river; thence due west to the east bounds of Albany county; thence northwardly along the boundary line between the county of Albany and the county of Rensselaer, to the south bounds of the village of Lansingburgh; east to the place where the same is intersected by a right line drawn northerly in continuation of the east boundary line of the said village of Troy established by law; and thence along the said last mentioned line to the place of beginning; and shall hereafter be known and distinguished by the name of the Village of Troy: and that the freeholders and inhabitants who may from time to time reside in the said village, shall continue to be a corporation by the name and style of "The trustees of the village of Troy," and shall have the same rights, privileges, powers and immunities as are by law given to the corporation of the village of Troy aforesaid: and further, authorizing and empowering the trustees of the village of Troy aforesaid, to appoint such further number of firemen, within and for said village, as the said trustees, or a majority of them, shall judge to be necessary to man and work the fire engines of the said corporation; and that the firemen so to be appointed, shall be entitled to the same exemptions and privileges as are given by law to the firemen heretofore appointed within said corporation; so as that the whole number of firemen in said village of Troy do not exceed forty.

Village of Salem.

C H A P. LXXXI.

C O N T E N T S.

- 7, 13. Assessors, how chosen.---14. To take an oath.
19. ----- Compensation of, how determined.
13. Collector how chosen.---14. To take an oath.
15. ----- To give security.---19. His compensation, how determined.
4. Corporation, who to constitute.
5. ----- Their style and rights.
2. Election, how notified and held.---3. Anniversary day of.
11. Fines, may be laid by the Trustees for offences against their laws.
12. ----- How collected.
16. ----- On persons refusing to serve in any office to which they may be elected.
13. Fire Wardens, how chosen.
17. President, Trustees to appoint.---18. His duties.
8. Real Estate, neither to be bought or sold without the consent of the freeholders.
21. ----- Trustees restricted from purchasing, excepting within the village.
6. Taxes, how to be levied and collected.
8. ----- Not to be laid without the consent of the freeholders.
9. ----- Not to exceed 250 dollars in any one year.
13. Treasurer, how elected.---14. To take an oath.
15. ----- To give security.---19. His compensation, how determined.
2. Trustees, how elected.
10. ----- Authorized to make rules and regulations.
20. ----- How long to continue in office.
1. The village, boundaries thereof described.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Village of Salem, in the County of Washington.

Passed April 4th, 1803.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the district of country contained within the following bounds, to wit : Beginning at a stone marked corporation number one, standing north two degrees west thirteen rods and fourteen links from the northwest corner of George Williams's dwelling-house ; thence running west eighty-two rods to East-beaver brook ; thence southerly along the same to a stone marked corporation number two, standing on the west bank of said brook, two rods north of the bridge over said brook, on the road leading to the dwelling-house of John Gray ; thence south eighty-one degrees west twenty-eight rods to a stone marked corporation number three ; thence south fifty-three degrees east one hundred and seventy-one rods and twelve links, to the center of the turnpike road in front of the dwelling-house of the late reverend James Proudfit ;

thence north fifty-one degrees east two hundred and thirty-six rods, to a stone marked corporation number four ; thence north twenty-two degrees west one hundred and eighty rods, to the place of beginning, shall continue to be known and distinguished by the name of the Village of Salem ; and the freeholders and inhabitants qualified to vote for members of assembly, who may from time to time reside within the aforesaid limits, may on the first Tuesday of May next, meet at some proper place to be appointed by any justice or justices of the peace within the said village, and notified to the inhabitants thereof, at least one week previous to the said first Tuesday of May, and then and there proceed to elect five discreet freeholders, resident within the said village, to be trustees thereof, who when chosen shall possess the several powers and rights herein after specified, and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes as duly chosen trustees ; and on every first Tuesday of May after the first election of trustees, there shall in like manner be a new election of trustees for the said village, and the trustees for the time being, shall perform the several duties required from the said justice or justices, in respect to notifying the meeting of the freeholders and inhabitants of the said village and presiding at such election.

II. *And be it further enacted*, That all the freeholders residing within the aforesaid limits, are hereby constituted and declared to be a body politic and corporate, by the name of " The trustees of the village of Salem," and by that name they and their successors shall have perpetual succession, and be persons in law capable of suing and-being sued, and of defending in all courts and places whatsoever, in all manner of actions and causes ; and they and their successors may have a common seal, and may alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate real or personal, for the public use of said village, and of erecting public buildings, such as fire engine houses, market houses, of raising money by tax for erecting those public building, or making any other necessary improvements, which money so to be raised shall be assessed upon the lands and tenements lying in said village, and the freeholders and inhabitants of said village, in proportion to their real and personal property, by three judicious assessors, to be by the freeholders and inhabitants of said village, qualified to vote for members of assembly, chosen at their annual meetings, and collected by the collector of the corporation, in the same manner as the taxes of the county of Washington are collected, by virtue of a warrant to him directed, signed by a majority of the trustees, or be recovered by action of debt, in the name of the trustees aforesaid, against the owners or occupiers of the lands and tenements so assessed as aforesaid : *Provided nevertheless*, That no tax shall be levied or monies raised, assessed or collected for erecting public buildings, or making any other necessary improve-

- ments, nor any purchase or sale of any real estate be made, nor any public building erected or disposed of, without the consent of the freeholders and other legal voters of the said village, or a major part thereof, to be given at a public meeting duly notified : *Provided also*, That such sum shall not in any one year exceed the sum of two hundred and fifty dollars.
- 10 III. *And be it further enacted*, That it shall be lawful for the said trustees, or a major part of them, and their successors, to make and publish such prudential rules and regulations as they from time to time shall deem meet, relative to public markets within the said village; relative to the streets, alleys and highways of the said village, and to draining, filling up, paving, keeping in order and improving the same; relative to slaughter-houses and nuisances generally; relative to the establishing, regulating and ordering their fire company, and ordering and procuring their fire buckets, fire utensils, and guarding against fire generally; relative to restraining geese, swine, horses, or cattle of any kind belonging to any person or persons residing within the limits of the corporation aforesaid, and relative to any thing whatsoever that may concern the police and good government of the said village; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodity or articles of provisions that may be offered for sale : *Provided also*, That such bye-laws shall not be inconsistent with the laws of this state or of the United States. And the said trustees, or the major part of them, as often as they shall make and publish any such bye-laws, for the purposes aforesaid, may make and provide such reasonable fines against the offenders of such laws as they may think proper, not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court of record having cognizance of the same, by the said trustees, to and for the use of the said corporation.
- 13 IV. *And be it further enacted*, That the said freeholders and inhabitants, qualified as aforesaid, at their annual meetings to be held for choosing trustees, or at any other meeting duly notified, are hereby authorized to choose three inhabitants, being freeholders, as assessors, one treasurer, one collector, and as many fire wardens as the trustees or a major part thereof may direct.
- 14 V. *And be it further enacted*, That the treasurer, collector and assessors shall, after such election, and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation before any justice of the peace of the county aforesaid, for the faithful execution of the office to which they may be severally chosen.
- 15 VI. *And be it further enacted*, That the treasurer and collector hereafter to be elected shall, before they enter upon the execution of their respective offices, give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees shall deem sufficient.
- 16 VII. *And be it further enacted*, That if any of the said inhabi

tants qualified as aforesaid, shall hereafter be chosen trustees, or to the offices of assessor, collector or fire warden, and having notice of his said election, shall refuse or neglect to take upon him such office, it shall then be lawful for the trustees, or the major part of them, to impose upon every such person such reasonable fine or sum of money as they may think proper, so as such fine for each refusal or neglect, shall not exceed the sum of ten dollars, all which fines shall be recovered by action of debt, before any justice of the peace or court having cognizance of the same, to be prosecuted and recovered by the said trustees, for the use of the said corporation.

VIII. *And be it further enacted,* That the trustees, or a major 17 part of them, within five days after their being elected, in every year hereafter, shall assemble and appoint some one suitable person of their body to be president of the said board of trustees, whose 18 duty it shall be, when present, to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may find it for the interest of the village so to do, to receive complaints of the breach of any of the bye-laws, to see that all the rules and ordinances are faithfully executed, and prosecute in the name of the trustees, all offenders against such bye-laws; to receive and lay before the trustees the returns of the fire wardens, and with consent of the major part of the trustees, to appoint, under his hand and the seal of the said corporation, the company of firemen; to inspect the utensils and all other public property belonging to said village for extinguishing fires, and particularly to see the engines and fire utensils, engine houses, and all other public property belonging to said village, suitably and properly kept, and to do all such acts and things as may be proper for him to do, as president of the board of trustees.

IX. *And be it further enacted,* That the assessors, treasurers and 19 collectors, shall be paid for their services such compensation as the said freeholders and inhabitants, or a majority of them, at their annual meeting, shall deem reasonable and proper.

X. *And be it further enacted,* That the trustees to be elected by 20 virtue of this act, shall continue in office and be authorized and empowered, to execute and perform all and singular the powers and duties in this act contained, belonging to their office of trustees as aforesaid, until the first Tuesday in May, next following after the election of trustees as aforesaid, and until a new election for trustees of the said village shall be made pursuant to this act, and until the trustees so last chosen, shall take and subscribe the oath or affirmation of the office of trustee.

XI. *And be it further enacted,* That it shall not be lawful for the 21 trustees to purchase or hold any real estate, not lying or being within the limits of the said village of Salem.

Port of Sag-Harbour.

C H A P. LVIII.

CONTENTS.

7. Constables, their duty at the breaking out of fires.
8. Fire Buckets, so many to be provided by each inhabitant as the Justices shall direct---penalty for neglect.
11. Fire Engines, expense of making and keeping them in repair, how raised.
2. Firemen, how appointed---their duty.
3. ----- Exempt from military duty, &c.
13. Highways, part of the Act regulating, on Long-Island, repealed.
7. Justices of the Peace, their duty at the breaking out of fires.
6. Penalties, may be imposed to a certain extent on the firemen by the trustees for neglect of duty.
9. ----- On persons neglecting to procure fire buckets.
10. ----- How collected and how applied.
1. Trustees, How chosen.---12. To make assessments.
2. ----- May appoint firemen.---4. And may remove, and appoint others in their place.
5. ----- May establish rules for the government of the firemen and impose fines.
7. ----- Their duty at the breaking out of fires.

An ACT to vest certain Powers in the Freeholders and Inhabitants of the Port of Sag-Harbour, for the Purpose of extinguishing Fires, and for other Purposes.

Passed March 26th, 1803.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the freeholders and inhabitants of the Port of Sag-Harbour, having a right to vote at town-meetings, and residing within the following limits, viz. Beginning at a road leading from Sag-Harbour aforesaid, to North Sea, upon the old Legonce creek, or brook; thence running with the said creek or brook, to the middle line, an old boundary between the great south and north division; from thence on the said middle line, until it strikes the line between the towns of East and Southampton; from thence a due course to a corner tree, on the land of William I. Ryfam, near a brook, known by the name of Rattle-snake brook; from thence a direct course to David Ruffel's bridge over Northwest creek; thence down said creek until it empties into the harbour; thence following the shores of the said harbour, (including all wharves and stores thereon) round a peninsula of land known by the name of Brushy-neck, until it strikes the mouth of said old Legonce creek or brook; thence following said creek to the place of beginning; to meet together at such place in the said port of Sag-Harbour, as the trustees hereafter directed to be chosen shall appoint, shall on the first Monday of May next, and on the first Monday of January annually thereafter, then and there proceed to

choose, by ballot, not less than three nor more than five discreet freeholders, to be called the trustees of the fire company of the port of Sag-Harbour.

II. *And be it further enacted*, That the said trustees to be chosen as aforesaid, or a major part of them, shall have full power and authority to nominate and appoint a sufficient number of firemen, who shall be willing to accept of such appointment, not exceeding twenty to the engine now provided, or others hereafter to be provided for the use of said port, out of the freeholders and inhabitants within the limits aforesaid, to have the care and management, working and using of the said fire engine or engines, and the other tools and instruments now or hereafter to be provided for the extinguishing fires within the said port; which persons to be nominated and appointed, shall be called the firemen of the port of Sag-Harbour, who are hereby required to be ready at all fires, as well by night as by day, to manage, work and use the said fire engine or engines, and other tools and implements aforesaid. 2

III. *And be it further enacted*, That each person so to be nominated and appointed a fireman, shall, during his continuance in office, be exempted and privileged from being impannelled upon any jury or inquest, except in the justices' courts, within the said port, and from military duty, except in cases of actual invasion; and for this purpose, the name of each fireman so to be appointed by virtue of this act shall be entered with the clerk of the said trustees, and his certificate shall be sufficient evidence in all courts and elsewhere of his said exemption and privilege: *And further*, That the said trustees, or a major part of them, shall have power from time to time to remove any firemen so to be appointed, and others to appoint in the place of those removed, when and as often as they shall think proper. 3 4

IV. *And be it further enacted*, That it shall be lawful for the said trustees, or a major part of them, to make, establish and ordain, such rules and regulations for the government, duty and behaviour of the persons so to be appointed firemen as aforesaid, in the working and frequent using and trying the said fire engines, tools and implements, and to impose such reasonable fines and penalties, (not exceeding three dollars) for any one offence upon such firemen, or any one of them, for default in not performing the duties hereby to be enjoined or required from them, as they from time to time may think proper. 5 6

V. *And be it further enacted*, That upon the breaking out of any fire within the said port, the trustees aforesaid, and the constables of the said port of Sag-Harbour, together with the justices of the peace then being present in said port, on notice thereof shall immediately repair to the place where such fire shall happen, with staves, and such other badges of authority as shall be ordained by a majority of them to be worn, and be aiding and assisting, as well in extinguishing the said fires as in preventing any goods from being stolen, and also in removing and securing the same, and in the execution of the duties required of them by this act; 7

and it shall be the duty of such justices of the peace (if any shall be present) and they are hereby authorized to command the assistance of all and every of the able bodied inhabitants of said port, whose duty it shall be to obey and execute all orders and directions of the trustees and magistrates aforesaid, in extinguishing said fires, removing and securing the goods, and providing water for the engines, and assisting the firemen in working the same.

- 8 VI. *And be it further enacted*, That it shall be lawful for the justices aforesaid, or a major part of them, to direct and require the inhabitants, owners of dwelling-houses in said port, to provide themselves with such and as many fire buckets to be ready in such
- 9 houses, for the purpose of extinguishing fires, and to impose such reasonable fines for disobedience thereof, as they shall think proper, (not exceeding five dollars) for each bucket so neglected to be furnished as aforesaid.
- 10 VII. *And be it further enacted*, That all fines incurred and adjudged to be levied by the trustees as aforesaid shall be recovered by any one of the trustees aforesaid, in his own name, before any justice of the peace in said port, with the costs of suit, to be reported to said board of trustees, and appropriated by a majority of the same, for the purpose of procuring and keeping in repair the fire engines and other instruments necessary for the extinguishing fires in the said port of Sag-Harbour.
- 11 VIII. *And be it further enacted*, That it shall be lawful for the said freeholders and inhabitants, or a majority of them, so entitled to vote as aforesaid at such meeting, to direct such sums of money as they shall deem necessary and proper for paying for or repairing the fire engine or engines and other instruments for extinguishing fires, now provided or hereafter to be provided within the said district or limits before mentioned, to be raised, levied and collected from the freeholders and inhabitants resident within the said district, and upon the proprietors of houses and all other buildings who may be not residents within said district.
- 12 IX. *And be it further enacted*, That it shall be lawful for the trustees chosen as aforesaid to levy, assess and collect the aforesaid sum or sums, as shall be agreed upon by the said freeholders and inhabitants at their annual meeting for the purposes aforesaid, in such way and manner as taxes are levied, assessed and paid for the contingent expences of the towns of South and East-Hampton.
- 13 X. *And be it further enacted*, That so much of the twelfth section of the act, entitled "An Act to regulate highways in the counties of Suffolk, Queens, Kings and Richmond, as relates to the roads or highways leading from the port of Sag-Harbour to the town of East-Hampton, be and the same is hereby repealed.

Supreme Court.

C H A P. II.

CONTENTS.

1. Supreme Court, terms thereof altered.---2. How long continued.
3. How called.
5. Suits therein depending, continued from the January to the May term.
4. Writs made returnable therein in the April term, to be deemed returnable in the May term.
6. Next Circuit in Albany, postponed to April.

An ACT to amend an Act concerning the Supreme Court.

Passed February 12th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supreme court of judicature of this State shall hereafter be held at the four several terms following, to wit : On the first Mondays of February, May and August, and on the second Monday of November in every year ; and that the said several terms of the said court may be continued and held from the time of the commencement thereof every day, except Sunday, until and including Saturday in the next ensuing week : And that the term commencing on the first Monday of February, shall be called February term, and shall be held in the city of Albany ; and the term commencing on the first Monday of May, shall be called May term, and shall be held in the city of New-York ; and the term commencing on the first Monday of August, shall be called August term, and shall be held in the said city of Albany ; and the term commencing on the second Monday of November, shall be called November term, and shall be held in the said city of New-York, any thing in any former act to the contrary thereof notwithstanding.

II. *And be it further enacted*, That all writs, process and other proceedings made or to be made returnable, and all persons held or to be held to appear before the justices of the said court, at the city-hall of the city of New-York, on any day of the term which, if this act had not been passed, would be called April term next, shall be deemed and taken to be made returnable and held to appear before the justices of the said court, at the city-hall of the city of New-York, on the first Monday of May next : And further, that the said court, and all suits and matters therein depending or being, shall be deemed and taken to be continued from the last January term of the said court, unto the said first Monday of May next, at the city-hall of the said city of New-York, with the like effect to all intents, constructions and purposes whatsoever, as the same would have been continued to the third Tuesday of April next, at the city-hall of the said city of New-York, if this act had not been passed.

F

- 6 III. *And be it further enacted*, That the circuit court appointed to be held in and for the county of Albany on the first Tuesday of March, shall be and hereby is postponed until the first Tuesday of April thereafter.

Court of Common Pleas, &c.

RICHMOND COUNTY.

C H A P. III.

C O N T E N T S.

1. Court of Common Pleas in Richmond county, May term thereof revived and continued.
2. Writs made returnable in May term next, declared valid.

An ACT to revise the Court of Common Pleas in Richmond County.

Passed February 12th, 1803.

WHEREAS it is represented to the legislature, that the court of common pleas in the county of Richmond was not holden on the first Monday of May last, by reason of the non-appearance of a sufficient number of the persons authorized to hold the said court, and no adjournment of the said court made pursuant to the law in such case made and provided: Therefore,

- Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said court shall be and hereby is revived and continued, and all process returnable at the said
- 1 May court, and all process and proceedings returnable or had at the last term of the said court, and all writs and process issued out of the said court returnable on the first Monday of May next, shall be valid to all intents and purposes, and all persons bound to appear at the next May term of the said court, shall be holden to appear in like manner as if the said courts had been regularly held.
 - 2

ROCKLAND COUNTY.

C H A P. XLVI.

An ACT for granting an additional Term of the Court of Common Pleas, in the County of Rockland.

Passed March 22d, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That there shall be an additional term of the court of common pleas held in and for the county of Rockland, on the first Tuesday of February in every year, at the place where the said court of common pleas is now held, in and for the said county of Rockland, and may continue until the Saturday following inclusive.

ONONDAGA COUNTY.

C H A P. XLVII.

CONTENTS.

1. Courts, removed to the court-house in the town of Onondaga.
3. Recognizance, persons bound by, holden to appear at court-house.
4. Sheriff, his duty.—5. Mileage to be calculated from court-house.
2. Writs made returnable at S. Tyler's to be considered as returnable at court-house.

An ACT to alter the Place for holding the Courts of Common Pleas and General Sessions of the Peace, in and for the County of Onondaga.

Passed March 22d, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the courts of common pleas and general sessions of the peace, in and for the county of Onondaga, shall be holden in the building erected for a court-house and gaol, in the town of Onondaga, in said county; and that all writs and process now issued or hereafter to be issued, and made returnable at the house of Samuel Tyler, in Onondaga, in said county, on the fourth Tuesday in May next, shall be considered returnable at said court-house: And all persons bound by recognizance or otherwise to appear at the house of the said Samuel Tyler at the next court of common pleas and general sessions of the peace, shall be holden to appear at the said court-house.

II. *And be it further enacted,* That as soon as the said building shall, in the opinion of the sheriff of the said county, be finished in such manner as to confine his prisoners, it shall and may be lawful for such sheriff, and he is hereby directed to commit or remove his prisoners in his county, either upon civil or criminal process, to such gaol, and such commitment or removal shall not be deemed an escape in such sheriff.

III. *And be it further enacted,* That from and after the passing of this act, all mileage to which the sheriff of the said county is by law entitled, for the service of process issued from the said court, or from the supreme court, shall be computed from the court-house in said county: Any former law to the contrary in any wise notwithstanding.

ALBANY, COLUMBIA, SCHOHARIE AND GREENE.

C H A P. LXXV.

C O N T E N T S.

5. May term in Albany county, altered.
3. ----- In Columbia county, do.
4. ----- In Schoharie county, do.
1. Terms in Greene county, how altered.
- 2, 6. ---- Altered, how to be held, continued and adjourned.
7. Writs, &c. made returnable at the terms as heretofore, made returnable at the terms as altered.

An ACT for altering the Times of holding the Courts of Common Pleas and General Sessions of the Peace, in the Counties therein mentioned.

Passed April 2d, 1803.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That hereafter the terms of the courts of common pleas and general sessions of the peace, in and for the county of Greene, shall be held on the last Monday in May in every year, instead of the first Tuesday of May as heretofore; and that the September term of said courts shall be held on the first Monday of September in every year, instead of the third Tuesday of September as heretofore; and that the January term of said court of common pleas, shall hereafter be held on the first Monday of January in every year, instead of the first Tuesday of January as heretofore; and that the said courts shall continue open in each of the said terms, from day to day until and including Saturday in the said terms respectively, if the business in the
2. said courts or either of them require it: And that instead of the present term of the courts of common pleas and general sessions of the peace, commencing on the second Monday in May, in and for the county of Columbia, the same shall hereafter be held on the
3. first Monday in June in every year: And instead of the present term of the courts of common pleas and general sessions of the peace, commencing on the third Tuesday in May, in and for the county of Schoharie, the same shall hereafter be held on the
4. first Tuesday of June in every year: And instead of the present term of the courts of common pleas and general sessions of the peace, commencing on the fourth Tuesday in May, in and for the county of Albany, the same shall hereafter be held on the third
5. Tuesday of June in every year; and that each of the said terms so made by this act, in the said counties of Columbia, Schoharie and Albany respectively, may be held, continued and adjourned as the said terms of the said courts were respectively continued and adjourned previous to the passing of this act.
6. **I**I. *And be it further enacted*, That all writs, process, notices and recognizances, made returnable at the respective terms of the said courts, so as heretofore held by law, shall be and hereby are made returnable at the terms of the said courts respectively altered by this act; and that all adjournments, appearances, continu-

ances and notices of any proceedings in said courts respectively, shall be held and taken to be made to and at the said terms of the said courts respectively, so as aforesaid altered by this act.

ONEIDA COUNTY.

C H A P. C.

C O N T E N T S.

3. Commissioners for building Gaol, directed to finish the Gaol at Rome.
1. Courts of Oyer and Terminer and Circuits, place of holding, Justices of the Supreme Court to determine.
2. ----- Of General Sessions and Common Pleas, to be held alternately at Rome and Whitestown.
4. Gaol Liberties at Rome, when and how to be determined.
5. Sheriff authorized to imprison in either of the Gaols.---6. To remove criminal prisoners from one to the other of the Gaols.

An ACT relative to the holding of the Courts of Oyer and Terminer, and other Courts in the County of Oneida.

Passed April 6th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the courts of oyer and terminer and circuit courts to be held in the said county, shall be held either in the town of Rome or Whitestown, at the discretion of the justices of the supreme court. 1

II. *And be it further enacted,* That the courts of general sessions of the peace and of common pleas, in and for the said county, shall hereafter be held alternately at Rome and Whitestown aforesaid. 2

III. *And be it further enacted,* That the commissioners appointed by the supervisors of the said county, for building the gaol in said county, shall and they are hereby directed as soon as may be after the passing this act, to cause the doors of the gaol lately built in Rome aforesaid, to be made and completed, and shall superintend the same; and the supervisors of said county shall and they are hereby directed, to audit the accounts and draw their order for payment thereof on the treasurer of said county, who shall and is hereby required to pay the same out of any monies in his hands, heretofore directed to be appropriated for building a gaol in said county. 3

IV. *And be it further enacted,* That the said court of common pleas of said county, shall and they are hereby authorized at the next term thereof, to appoint the liberties thereof according to the directions of the act entitled "An Act regulating the liberties of gaols." 4

V. *And be it further enacted,* That it shall be lawful for the 5

sheriff of said county, to imprison persons against whom he shall have process in either of the two gaols aforesaid.

- 6 VI. *And be it further enacted*, That it shall and may be lawful for the sheriff of said county, to remove prisoners confined on criminal process, from the one of said gaols to the other, whenever it shall be necessary for the appearance or trial of such prisoners, and such removal shall not be deemed or construed an escape.

WASHINGTON COUNTY.

C H A P. XLIX.

C O N T E N T S.

3. Commissioners named to superintend the building of the Court-House.---4, 6. Their further duty.
2. Court-House to be erected at such place as the Supervisors shall direct.
10. Courts to be removed to the New Court-House when sufficiently completed.
13. ----- of Common Pleas may be held until the Tuesday following the first week in each term.
1. Supervisors, directed to raise by tax 2400 dolls.---2, 7. To fix on the most convenient place for erecting Court-House.---8. To purchase land for buildings.---9. To cause the deed therefor to be recorded and deposited with County Clerk.
11. Terms of Common Pleas.---12. And General Sessions of the Peace.
5. Treasurer, his duty.

An ACT for building a Court-House, and altering the Terms of the Courts of Common Pleas and General Sessions of the Peace in the County of Washington.

Passed March 22d, 1803.

- 1 I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the several towns in the county of Washington, or the major part of them, shall be and they are hereby authorized at their meeting in October next, to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of two thousand four hundred dollars, for the purpose of building a court-house in the said county, which sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are levied and collected, and shall be paid into the treasury of the said county, at the same time and under the same restrictions as the other contingent charges of the said county are by law directed to be paid.
- 2 II. *And be it further enacted*, That the court-house so to be built, shall be erected and built at such place in the said county, as the supervisors or a majority of them shall direct.
- 3 III. *And be it further enacted*, That Edward Savage, Micajah

Pettit, Abner Stone, Roswell Weston and Charles Baker, shall be commissioners to superintend the building of the said court-house when so directed to be built ; and that the said commissioners, or the major part of them, shall and may contract with workmen and purchase materials for erecting the same, and shall from time to time draw upon the treasurer of the said county for the purposes aforesaid, for the money that shall be paid into the treasury by virtue of this act ; and the said treasurer is hereby required to pay to the said commissioners, or the major part of them, or to their order, the several sums of money to be by them drawn for, for the purpose aforesaid ; and it is hereby made the duty of the said commissioners to account with the supervisors of the said county, for the money which they shall have received by virtue of this act, when they shall be thereunto required.

IV. *And be it further enacted*, That the supervisors of the county aforesaid, or the major part of them, are hereby authorized to determine and fix upon the most suitable spot or place for erecting and building the said house ; and they are hereby authorized to purchase so much land as shall be necessary for the purpose of erecting the said building, not exceeding one half acre, and to procure a good and sufficient title thereof, in the name of the supervisors of the said county, and their successors in office for ever, in trust for the sole use and benefit of the inhabitants of the said county ; which deed or conveyance after being duly recorded, shall be deposited with the clerk of the said county, and the supervisors aforesaid, are hereby authorized and required to pay for the said land, out of the money directed to be raised by virtue of this act.

V. *And be it further enacted*, That the courts of common pleas and general sessions of the peace, which by law are directed to be held at Sandy-Hill, shall be held at the said court-house, as soon as the same shall be so far completed as to render it convenient.

VI. *And be it further enacted*, That from and after the first day of June next, there shall be four terms of the court of common pleas, held in and for the county of Washington, and shall be held on the second Tuesday of September, the third Tuesday in December, the first Tuesday in March, and the last Tuesday in May, in every year, and shall be held alternately at the court-house at Salem, in the said county, and at Sandy-Hill, in the town of Kingbury, in the said county, or until the said court-house is completed as aforesaid ; and that the first of the said courts shall be held at the said court-house, at Salem, on the second Tuesday of September next ; And there shall be three terms of the courts of general sessions of the peace held in and for the said county, and which shall be held on the second Tuesday in September, the third Tuesday in December, and first Tuesday in March in every year, and shall be held at the same place at which the said court of common pleas shall on those days be held in the said county ; which said several courts may

continue and be held until the several Saturdays next after their commencement inclusive.

- 13 VII. *And be it further enacted*, That it shall and may be lawful for the said court of common pleas to be held and continued when it shall be deemed necessary, until and including Tuesday next after the first week in each term : *Provided always*, That it shall not be lawful to detain the petit jurors after the several Saturdays in the first week in each term.

Jurors.

C H A P. XXXII.

An ACT to amend the Act, entitled " An Act for regulating Trials of Issues, and for returning able and sufficient Jurors."

Passed March 16th, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the names of all jurors for the trial of issues in any court of record to be held in any city or county of this state, the mayor's courts of the cities of New-York, Albany and Hudson excepted, shall be drawn openly and publicly without any venire previously issued, or application from the sheriff for that purpose, on a day certain, at least fourteen days previous to the holding of the said courts respectively ; and that the clerks of the said respective courts shall give public notice of the time and place of such drawing, by an advertisement for that purpose, to be put up and affixed to the outward door of the courthouse or other houses where the said courts in and for the said counties respectively are usually held for the space of not less than ten days previous to such drawing ; to the end, that all who may be so inclined may have an opportunity of attending the same ; and that the names of the jurors so drawn, shall be returned by the sheriff of such city or county, upon every venire or other jury process which he may have received or shall thereafter receive, returnable at such courts.

Court-Houses, &c.

CLINTON COUNTY.

C H A P. IV.

C O N T E N T S.

2. Commissioners to superintend the building of the Court-House and Gaol in the county, to draw on the Treasurer for monies.
4. ----- To account with the board of Supervisors.
1. Supervisors, to cause 1000 dollars to be raised for completing Court-House and Gaol.
3. Treasurer, his duty.---5. His compensation.

An ACT to raise a further Sum of Money, to complete the Court-House and Gaol in the County of Clinton.

Passed February 12th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the several towns in the county of Clinton, for the time being, or a majority of them, shall be and hereby are authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county the sum of one thousand dollars, for the purpose of completing the court-house and gaol in the said county, in addition to the sum directed to be raised by the act, entitled "An Act for building a court-house and gaol in the county of Clinton," passed March 26th, 1802, with the additional sum of five cents on every dollar, for collecting the same; which said sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are levied and collected.

II. *And be it further enacted*, That the commissioners directed to be appointed to superintend the building of said court-house and gaol by the act above recited, may from time to time draw upon the treasurer of said county for such sums of money for the purpose aforesaid as shall come in the treasury by virtue of this act; and the treasurer is hereby required to pay out of the monies aforesaid to the order of said commissioners, or a majority of them, the several sums of money to be by them drawn for: And it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the monies which they shall have received from the treasury, when thereto required.

III. *And be it further enacted*, That it shall and may be lawful for the treasurer of the said county to retain in his hands the sum of one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raised by this act.

ONEIDA COUNTY.

C. H. A. P. XVII.

CONTENTS.

- 3, 5. Commissioners, their duty.---4. County Treasurer, his duty.
1. Supervisors, to cause 500 dollars to be raised for completing Gaol.
2. ----- To appoint a commissioner or commissioners.

An ACT to enable the Supervisors of the County of Oneida to raise the Sum of five hundred Dollars, for the Purpose of finishing the Gaol in said County.

Passed February 26th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the

G

county of Oneida, for the time being, or a majority of them, shall be and are hereby authorized to direct to be levied and raised on the freeholders and inhabitants of the said county, the sum of five hundred dollars, for the purpose of finishing and completing the gaol in the town of Whitestown, in said county, with the additional sum of five cents on each dollar, for collecting the same ; which sum shall be levied, raised and collected in the same manner as the other necessary and contingent charges of said county are levied and collected.

- 2 II. *And be it further enacted*, That it shall and may be lawful for the supervisors of the said county, or a majority of them, to appoint a commissioner or commissioners to superintend the completing of the said gaol, whose duty it shall be to procure materials for the purpose aforesaid, and direct the application of the same ; and may from time to time draw upon the county treasurer for such sums of money, for the purposes aforesaid, as may be necessary, and which shall come into the treasury by virtue of this act :
- 3 And the treasurer aforesaid is hereby required out of the monies aforesaid, to pay to the order of the said commissioner or commissioners, the several sums of money thus drawn for : And it is
- 4 hereby made the duty of such commissioner or commissioners thus appointed, to account with the supervisors of the said county for the monies which he or they shall have received from the treasurer aforesaid, when thereunto required by said supervisors.
- 5

ORANGE COUNTY.

C H A P. XXI.

C O N T E N T S.

1. Supervisors may raise 1500 dollars for completing the Court-House and Gaol.
2. Treasurer, his duty.

An ACT authorizing the Supervisors of the several Towns in the County of Orange to raise a further Sum of Money to complete the Court-House and Gaol of said County.

Passed February 26th, 1803.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors or a majority of them, at their annual meeting in October next, shall be and are hereby authorized to direct to be raised and levied on the freeholders and inhabitants of said county, a sum not exceeding fifteen hundred dollars, for the purpose of completing the court-house and gaol in the town of Goshen, in said county, which sum shall be raised, levied, collected and paid into the treasury in the same manner as the other contingent charges of the county are
- 2 levied, collected and paid : And the treasurer is hereby required to pay the money so levied and collected, as it comes into his

hands, over to the commissioner appointed for the purpose of rebuilding and repairing the aforesaid court-house and gaol.

GREENE COUNTY.

C H A P. XXV.

CONTENTS.

3. Commissioners, their duty.
1. Supervisors, to cause 100 dollars to be raised for completing the Gaol.
2. Treasurer, his duty.

An ACT for raising a further Sum of Money for completing the Gaol in the County of Greene.

Passed March 4th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Greene be, and they are hereby empowered and directed, to raise and levy on the freeholders and inhabitants of the said county, the sum of one thousand dollars, with the additional sum of five cents on each dollar for collecting the same, and one cent on each dollar for treasurer's fees; which said sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are raised, levied and collected.

II. *And be it further enacted*, That the treasurer of the said county shall pay over the money so to be collected, as the same shall come into his hands, to the said commissioners or a majority of them; and the said commissioners who shall superintend the finishing of said gaol, shall account with the board of supervisors, for the expenditure of the said money when thereunto required.

ONEIDA, CHENANGO, OTSEGO AND ONTARIO.

C H A P. XL.

CONTENTS.

1. Gaol of Oneida county to be used as the Gaol of Chenango county.
2. Sheriff of Chenango county, his duty.---3. Liable for escapes in removing Prisoners.
5. ----- Of Otsego county, mileage to him regulated.
6. ----- Of Ontario county, do. do.
4. Treasurer of Chenango to pay certain sums to the Treasurer of Oneida.

An ACT directing the Gaol of the County of Oneida to be used as the Gaol of the County of Chenango, and for other Purposes.

Passed March 19th, 1803.

- 1 **I.** *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the first day of May next, it shall not be lawful for any of the officers of the county of Chenango, either civil or military, to make use of the gaol of Otsego as the gaol of the county of Chenango ; but it shall be lawful for the aforesaid officers, to make use of the gaol of the county of Oneida as the gaol of the county of Chenango,
- 2 until further legislative provision be made in the premises : And that the sheriff of the county of Chenango is hereby authorized and required to remove all his prisoners from the gaol of the county of Otsego to the gaol of the county of Oneida, on the first day of May aforesaid, or within fifteen days afterwards.
- 3 **II.** *And be it further enacted,* That in case any prisoner or prisoners, shall escape from the custody of the sheriff of the said county of Chenango, during the time of his or her removal, and the sheriff shall not retake such prisoner or prisoners and confine him, her or them in the gaol to which he, she or they ought to be removed by virtue of this act, within sixty days next after such escape made, the said sheriff shall be liable to all actions for such escape or escapes.
- 4 **III.** *And be it further enacted,* That for the use of the said gaol, the treasurer of the county of Chenango, shall on the first Tuesday of May, in the year one thousand eight hundred and four, and on the first Tuesday of May in every year thereafter, during the continuance of this act, pay to the treasurer of the county of Oneida, for the use of said county, the sum of fifteen dollars ; and also all such sum and sums of money as may be expended in the repairs of such gaol, occasioned by breaches made by prisoners committed to the said gaol from the county of Chenango, in escaping or attempting to escape from the same ; which sum or sums shall be levied and collected of the freeholders and inhabitants of said county of Chenango, in the same manner as other contingent county charges are by law directed to be levied and collected.
- 5 **IV.** *And be it further enacted,* That from and after the first Monday of May next, the sheriff of the county of Otsego, shall take no other fees for mileage for serving of any writ, than for the distance computed from the court-house in said county.
- 6 **V.** *And be it further enacted,* That from and after the passing of this act, the sheriff of the county of Ontario, shall be allowed mileage fees on each writ by him served, to be computed from the court-house in Canadaigua in said county.

Toll-Bridges.

UNION BRIDGE.

CHAP. XII.

CONTENTS.

18. Bridge how to be constructed and built.---16. Prohibition on building another.
25. Bye-laws, Directors empowered to make.---26. Proviso relative to.
- 1, 3. Corporation, style and rights of.---2, 14, 23, 30, 31. When and for what causes to be dissolved.
4. Directors, seven, to manage the concerns of the corporation.
- 5, 11. --- When and how to be chosen.
6. --- Vacancies in the board, how filled.
7. --- The first board of, named.---8. To choose a President.
24. --- May appoint Treasurer, Clerk and Toll-Gatherers.
25. --- May make bye-laws.
12. Lands, necessary to be used in erecting bridge, may be taken.
13. --- Value thereof, how determined.
15. --- To revert to the owners in case of a dissolution of the corporation.
27. Penalty, for injuring bridge.
28. --- For forcibly passing Toll-Gate without paying toll.
29. --- On Toll-Gatherers for misconduct.
33. --- For neglecting to put up a printed list of rates of toll.
8. President, how chosen.
9. Shares, value---number---deemed personal estate.
17. --- Instalments on, Directors authorized to require.
19. Toll-Gate, when to be erected, and toll exacted.
20. Toll, rates of.---22. Who and what articles exempt from payment of.
32. --- Printed list of, to be affixed over gate.
21. Toll-Gatherers may stop persons refusing to pay toll.
10. Votes, to be in proportion to the number of shares held by the voter.

An ACT to incorporate the Union Bridge Company.

Passed February 22d, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That John D. Dickenson, Charles Selden, Guert Van Schoonhoven, Samuel Stewart, John Woodworth, Albert Pawling and John T. Clofe, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of "The president and directors of the Union Bridge company," for the purpose of building a bridge over the Hudson's river, at or south of the ferry commonly called Hamilton and Scott's ferry, leading from Waterford to Lanfingburgh; and they are hereby ordained, constituted and declared to be a body politic and corporate in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being

defended in all courts and places whatsoever, and so to remain for the term of seventy-five years ; and that they and their successors may have a common seal and may change and alter the same at their pleasure ; and also that they and their successors by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation : *Provided*, The real estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

II. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed, directed and conducted by seven directors, who shall be stockholders, and shall be annually chosen and elected on the first Monday in May in every year, at such place in the village of Lansingburgh as the directors for the time being or any three of them shall appoint, of which, notice shall be given in one of the newspapers printed in the said village of Lansingburgh, at least ten days before the day of meeting : That all elections for directors shall be by ballot, and the persons who shall, at such election, have the greatest number of votes shall be the directors, and shall hold their offices for one year, and until others shall be chosen in their places ; and if any vacancies shall happen among the directors by death, resignation or otherwise, such vacancies shall be filled for the remainder of the year in which they may happen by the appointment of the other directors for the time being or a majority of them ; and that the first directors shall be John D. Dickenson, Charles Selden, Guert Van Schoonhoven, Samuel Stewart, John Woodworth, Albert Pawling and John T. Close, who shall and may choose one of their number to be president, and shall hold their offices until the first Monday of May, in the year of our Lord one thousand eight hundred and four, or until others shall be chosen to succeed them ; and that the said directors shall at their first meeting after such election appoint one of their number to be president.

III. *And be it further enacted*, That a share in the stock of the same company shall be fifty dollars, and the number of shares shall not at any time exceed one thousand ; and that the said shares shall be taken, deemed and considered to be personal estate, and shall and may be transferable.

IV. *And be it further enacted*, That at all elections for directors, each stockholder shall be entitled to a number of votes proportioned to the number of shares he or she shall hold in his or her name ; and that in case an election for directors shall not be made on any day when, pursuant to this act, it ought to have been done, it shall be lawful for any one of the stockholders to give ten days notice of an election on any other day ; and the stockholders may on any such day meet in the village of Lansingburgh and elect seven directors, who shall hold their offices, and have like powers, as though such election had taken place on the day for the annual election.

V. *And be it further enacted*, That the said president and directors, their agents, artists or other persons employed by them, may enter on and take possession of the lands on each side of the said river, where the said president and directors shall determine to build said bridge; and in case such land so to be taken possession of, shall not be part of the public highway, the said corporation shall, before taking the possession of any such lands, pay the owner or owners thereof, on receiving a conveyance of the land, the value of so much of the same as may be necessary for making said bridge and erecting and establishing a gate, toll-house and all other works to the said bridge belonging; and in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where such land shall lie, who shall be appointed for that purpose, and sworn to make a just valuation by the judges of the court of common pleas, not interested, or a major part of them, held for the same county, on application from the said president and directors to them for such appointment; and it shall be the duty of the said president and directors, to make such application within six weeks after possession taken of said land and disagreement as to the value thereof: *Provided always*, If the said bridge shall be carried away by the ice, or be otherwise destroyed or become impassable for carriages, and be not rebuilt within two years after such bridge be so carried away by the ice or otherwise destroyed, or be not rendered passable for carriages within thirty days after becoming impassable as aforesaid; that in either of the said cases, the said president, directors and company, or the stockholders of the said company, if this corporation shall become dissolved, shall re-convey to the said owners respectively and their respective heirs and assigns, if thereunto required, such parts of the land now belonging to the said owners as shall be appropriated or obtained by the said president, directors and company, by appraisement or otherwise, for the use of the said company, at and for such sum and sums of money as the said owners respectively shall receive for the same; and if the said president, directors and company, or the stockholders thereof, if the corporation shall become dissolved, shall, within twenty days after such request made, refuse or neglect to execute such re-conveyance, such land shall become vested in the said owners respectively making such request, in the same manner as the said owners held the same before it was obtained or appropriated as aforesaid.

VI. *And be it further enacted*, That it shall not be lawful for any person or persons to erect any bridge across the said river, within two miles up or down the said river, from the place where the bridge aforesaid shall be erected and built by the said company.

VII. *And be it further enacted*, That it shall and may be lawful for the said president and directors to call on and demand from the stockholders respectively, all such sums of money by them

subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company.

- 18 VIII. *And be it further enacted*, That the said bridge shall be built at least twenty-five feet wide, and be well covered with plank not less than three inches thick, the sides of the said bridge to be secured with good substantial railings, and shall be so constructed that at least one opening under the same, of not less than one hundred feet, between the piers, shall be left for the passage of rafts and boats.
- 19 IX. *And be it further enacted*, That as soon as the said bridge shall be finished and completed, and the judges of the court of common pleas in and for the county of Rensselaer, or any of them, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently constructed and built, and will admit of the passage of teams with loaded carriages, it shall and may be lawful for the said president and directors, to erect a gate at either end of the said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following
- 20 rates, to wit: For every four wheel pleasure carriage, drawn by four horses, thirty cents; if drawn by two horses, twenty-five cents; every curricule, chaise, chair or sulky, drawn by one horse, twelve and a half cents, if drawn by two horses, eighteen cents; every waggon and two horses, twelve and an half cents, and three cents for every additional horse; every sled or sleigh, drawn by two horses, nine cents, and three cents for every additional horse; each ox waggon or cart, drawn by two oxen, twelve and an half cents, and each additional yoke of oxen, six cents; every one horse cart, six cents; every one horse waggon, sleigh or sled, six cents; every man and horse, six cents; every foot passenger, two cents; every horse, jack or mule, three cents; every cow or other neat cattle, two cents; every score of sheep or hogs, ten cents; and so
- 21 in proportion for a greater or less number; and it shall be lawful for the toll-gatherer at said gate, to stop every foot passenger and any person driving, riding or leading any beast or carriage from going through such gate, until they shall have respectively paid
- 22 the toll herein allowed to be collected: *Provided nevertheless*, That any troops in the service of this state or any of the United States, and all artillery, all waggons and other carriages and stores of every kind, belonging to this state or to the United States, shall pass said bridge without paying toll.
- 23 X. *And be it further enacted*, That from and after the expiration of said term of seventy-five years, the said bridge with its appurtenances shall become the property of, and be vested in the people of this state.
- 24 XI. *And be it further enacted*, That the said president and directors, for the time being, or a major part of them, shall have power to appoint a treasurer and clerk, and one or more toll-gath-
- 25 ers, and to make and prescribe such bye-laws, rules and regula-

tions as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, the duties of their treasurer, clerks, agents and servants employed therein, and all such matters as appertain to the said corporation : *Provided*, That such bye-laws, rules and regulations, be not inconsistent to the constitution and laws of the United States or of this state. 26

XII. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said bridge or any thing appertaining to the same shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by the said company with costs of suit, in an action of trespass, in the name of the treasurer of said company, to their use, in any court of record having cognizance thereof, which action shall in every instance be considered as transitory in its nature. 27

XIII. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected over said bridge in pursuance of this act, or shall cause his or their horse, carriage, waggon, sled, cattle or other thing or things, to pass the same without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar, to be recovered by the treasurer of the said corporation, to their use, in an action of trespass ; which action shall in every instance be considered as transitory in its nature. 28

XIV. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of ten dollars, to be sued for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably delayed, hindered or defrauded. 29

XV. *And be it further enacted*, That in case the aforesaid bridge shall not be erected, built and completed, on or before the first day of November, in the year of our Lord one thousand eight hundred and five, then the corporation created by this act shall be adjudged and considered as dissolved. 30

XVI. *And be it further enacted*, That if the said bridge after the same shall have been completed, shall at any time be impassable for the term of thirty days, that then the said corporation shall cease, and the same is hereby declared in such case to be dissolved : *Provided nevertheless*, That no such dissolution of the said corporation shall take place if the said bridge shall be carried away by ice, freshets, rafts, or any unavoidable accident, in case the same shall be re-built within two years after the same shall be so carried away. 31

XVII. *And be it further enacted*, That this act be and is here-

H

by declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose herein intended.

- 32 XVIII. *And be it further enacted,* That it shall be the duty of the said corporation, to cause to be affixed in a conspicuous place
33 over the gate, a printed list of the rates of toll; and in default thereof to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.

FORT-MILLER BRIDGE.

C H A P. XXXIII.

CONTENTS.

19. Bridge, how to be constructed and built.
17. ----- Prohibition on the building another within a specified distance.
25. Bye-laws, directors empowered to make.
 1. Corporation, style and rights of.---2. Proviso respecting.
- 15, 31. --- When and in what case to be dissolved.
18. ----- To build bridge within two years.
28. ----- To cause a list of the rates of toll to be affixed over toll-gate.
 3. Directors, seven, to manage the concerns of the corporation:
 4. ----- How and when to be chosen.
 5. ----- Vacancies in the board of, how filled.
 6. ----- First Board of, named.
 7. ----- At their first meeting to appoint a president.
 25. ----- May make bye-laws.
12. Lands, necessary in building the bridge, may be taken by the corporation.
13. ----- Value thereof to be paid.--- 14. How determined in case of disagreement.
16. ----- To be re-conveyed to owners in case of a dissolution of the corporation.
26. Penalty on persons injuring bridge.
27. ----- On persons forcibly passing gate without paying toll.
29. ----- On corporation for neglecting to affix over gate, a list of rates of toll.
30. ----- On toll-gatherer for breach of duty.
7. President, how chosen.
24. President and directors may appoint treasurer, clerks and toll-gatherer.
 8. Shares, number limited.---9. Value.---10. Made transferable.---
20. Toll-Gate, when to be erected and toll exacted.
21. Toll, rates of.---23. Who exempt from payment of.
28. ----- Printed list thereof to be affixed over gate.
22. Toll-Gatherer may stop persons refusing to pay toll.
11. Votes.

An ACT to incorporate the Fort-Miller Bridge Company.

Passed March 16th, 1803.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Solomon Smith, Harmen

Van Vechten, Walter Van Vechten, George Jackways, Ephraim Crocker, Hugh Peebles, Gerrit Peebles, Thomas Carpenter and Richard Davis, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of The president and directors of the Fort-Miller Bridge Company, for the purpose of building a bridge over the Hudson river, at the most convenient place within forty rods of the ferry commonly called Dumont's ferry ; and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, for and during the term of seventy-five years ; and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation : *Provided*, The real estate so to be purchased shall be such only as shall be necessary to promote or attain the object of this corporation. 2

II. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed by seven directors, who shall be stockholders, and shall be annually chosen and elected on the first Monday in October in each and every year, at such place in the village of Fort-Miller, or at some convenient place near the said bridge, as the directors for the time being or any four of them shall appoint, of which notice shall be given in one of the newspapers printed in the city of Albany, and one of the newspapers printed in Waterford, at least twenty days before the day of meeting ; that all elections shall be by ballot, and the persons having the greatest number of votes shall be the directors, and shall hold their offices for one year and until others shall be chosen in their places ; and if any vacancies shall happen among the directors by death, resignation or otherwise, such vacancies shall be filled for the remainder of the space in which they may happen by the appointment of the other directors, for the time being, or a majority of them ; and that the first directors shall be Solomon Smith, Harmen Van Vechten, Walter Van Vechten, Hugh Peebles, Ephraim Crocker, George Jackways, Gerrit Peebles, Thomas Carpenter, and Richard Davis, and shall hold their offices until the first Monday in October in the year of our Lord one thousand eight hundred and four, or until others shall be chosen to succeed them ; and that the said directors shall, at their first meeting after such election, appoint one of their number to be president. 3 4 5 6 7

III. *And be it further enacted*, That the number of shares in the stock of said company shall not at any time exceed one thou- 8

9 land, of forty dollars each share ; and that the said shares shall be
10 taken and deemed and considered to be personal estate, and shall
and may be transferable.

11 IV. *And be it further enacted*, That at all elections for directors
each stockholder shall be entitled to a number of votes proportioned
to the number of shares he or she shall hold in his or her name.

12 V. *And be it further enacted*, That the said president and directors,
their agents, artists or other persons employed by them,
may enter on and take possession of the lands on each side of the
said river where the said president and directors shall determine

13 to build said bridge ; and in case such land so taken possession of
shall not be part of the public highway, the said corporation shall
pay the owners thereof, on receiving a conveyance of the land,
the value of so much of the same as may be necessary for making
said bridge and erecting and establishing a gate, toll-house, and

14 all other works to the said bridge belonging ; and in case of disagreement
between the parties as to such value, the same shall
and may be ascertained by three indifferent freeholders of the
county where such lands shall lie, who shall be appointed for
that purpose, and sworn to make a just valuation, by the judges of
the court of common pleas for the same county, or a majority of
them, not interested therein, on application from the said president
and directors, to them for such appointment : *Provided nevertheless*,
That it shall not be lawful for the said president and directors
to enter on or take possession of said land, until the owner or owners
thereof shall be paid the value of the same, to

15 be ascertained as above directed : *And provided also*, If the said
bridge shall be carried away by the ice or otherwise destroyed, or
become impassable for carriages, and be not re-built in two years
after such bridge be so carried away by the ice or otherwise destroyed,
or be not rendered passable for carriages within thirty
days after becoming impassable as aforesaid, that in either of said

16 cases, the said corporation shall become dissolved, and shall re-
convey to the said owners respectively, and their respective heirs
and assigns, if thereunto required, such parts of the land now be-
longing to the said owners, as shall be appropriated or obtained by
the said president, directors and company, by appraisement or
otherwise, for the use of the said company, at and for such sum or
sums of money as the said owner or owners respectively shall re-
ceive for the same ; and if the said president, directors and com-
pany, or the stockholders thereof, if the corporation shall be-
come dissolved, shall within twenty days after such request made,
refuse or neglect to execute such re-conveyance, such land shall
become vested in the said owners respectively making such re-
quest, in the same manner as the said owners held the same before
it was obtained or appropriated as aforesaid.

17 VI. *And be it further enacted*, That it shall not be lawful
for any person or persons to erect any bridge across the said
river, at any place between Fort-Miller and Saratoga falls, after
18 the aforesaid bridge is completed ; and that the said compa-

ny have two years to build the said bridge after the passing of this act.

VII. *And be it further enacted*, That the said bridge shall be 19 built at least twenty-five feet wide, and be well covered with plank, not less than three inches thick, the sides of the said bridge to be secured with good substantial railings, and so constructed that at least one opening under the same, of not less than one hundred feet between the piers, shall be left for the passage of rafts.

VIII. *And be it further enacted*, That as soon as the said 20 bridge shall be completed, and the judges of the courts of common pleas for the counties of Washington and Saratoga, not interested therein, or any two of them, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently completed and built, and will admit the passage of teams with loaded carriages, it shall and may be lawful for the said president and directors, to erect a gate at the end of the said bridge and demand and take for the use of the said corporation, a toll not exceeding the following rates, to wit : For every four wheel 21 pleasure carriage, drawn by four horses, thirty cents, if drawn by two horses, twenty-five cents ; every curricule, chaise, chair or sulkey, drawn by one horse, twelve and an half cents, if drawn by two horses, eighteen cents ; every waggon and two horses, twelve and an half cents, and three cents for every additional horse ; every sled or sleigh drawn by two horses, nine cents, and three cents for every additional horse ; each ox waggon or cart drawn by two oxen, twelve and an half cents, and each additional yoke of oxen, six cents ; every one horse cart, six cents ; every one horse waggon, sleigh or sled, six cents ; every man and horse, six cents ; every foot passenger, two cents ; every horse, jack or mule, three cents ; every cow or other neat cattle, two cents ; every score of sheep or hogs, ten cents, and so in proportion for a greater or less number : And it shall be lawful for the 22 toll-gatherer at said gate to stop every foot passer and any person from passing through such gate until they shall have respectively paid the toll herein allowed to be collected : *Provided nevertheless*, That any troops in the service of this state, or of any of the 23 United States, and all artillery, all waggons and other carriages and stores of every kind belonging to this state or to the United States, shall pass said bridge without paying toll.

IX. *And be it further enacted*, That the said president and di- 24 rectors, for the time being, or a majority of them, shall have power to appoint a treasurer and clerk, and one or more toll-gatherers, and to make and prescribe such bye-laws, rules and 25 regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, the duties of the treasurer, clerks, agents and servants employed therein, and all such matters as appertain to the said corporation : *Provided*, That such bye-laws, rules

and regulations be not inconsistent with the constitution and laws of the United States or of this state.

- 26 X. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said bridge or any thing appertaining to the same shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by the said company, with costs of suit, in an action of trespass, in the name of the treasurer of the said company, to their use, in any court of record having cognizance thereof, which action shall in every instance be considered as transitory in its nature.
- 27 XI. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected on said bridge in pursuance of this act, or shall cause his or their horse, carriage, wagon, sleigh, sled, cattle or other thing or things to pass the same, without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of the said corporation, to their use, in an action of trespass; which action shall in every instance be considered as transitory in its nature.
- 28 XII. *And be it further enacted*, That it shall be the duty of the said corporation to cause to be affixed, in a conspicuous place
29 over the gate, a printed list of the rates of toll; and in default thereof, to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.
- 30 XIII. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of fifteen dollars, to be sued for and recovered before any justice of the peace in the county wherein such offence shall have been committed, for the use of the person so unreasonably delayed, hindered or defrauded.
- XIV. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same be, for the time herein before limited, construed in all courts and places benignly and favourably for every beneficial purpose therein mentioned.
- 31 XV. *And be it further enacted*, That from and after the expiration of the term of seventy-five years, the said bridge, with its appurtenances, shall become the property of, and be vested in the people of this state.

NEWTOWN BRIDGE.

C H A P. LVII.

CONTENTS.

10. Bridge and Causeways, where to be built.---12, 17. Width thereof.
16. ----- President and directors to cause to be built and constructed.
17. ----- How to be built and of what materials.
18. ----- To have at least one draw for the passage of boats, &c.
9. Bye-Laws, directors empowered to make.
3. Commissioners for receiving subscriptions.
- 5, 7. --- Their duty with respect to the first election of directors.
10. ----- To determine where bridge &c. shall be built, and road laid out.
13. ----- To cause a survey of the road to be made and make a return thereof and of the expenses to the president and directors.
 1. Company, their style and corporate rights.
19. ----- To keep persons for drawing up the bridge for the passage of boats, &c.
20. ----- To keep the bridge in repair, and annually to lay out not less than 50 dollars in repairing road.
21. ----- To make a fence on each side of the road.
- 28, 30. --- When and for what causes to be dissolved.
 8. Directors, to choose a president---five a quorum.
 9. ----- May make bye-laws, appoint officers, &c.
16. ----- To cause bridge, road, and causeway, to be made.
30. ----- To keep an account of the receipts and expenditures, and make half yearly dividends of profits.
31. ----- To lodge in the comptroller's office an account of the expense of making the bridge, &c. and annually an account of the income and disbursements.
 2. Election---shares apportioned for voting.---6. Anniversary day of.
14. Expenses incurred by the commissioners, to be refunded by the president and directors.
21. Fences, to be made by the company on each side of the road---to be kept in repair by the owners of the lands inclosed.
23. Gate, when to be erected, and toll exacted.
15. Lands may be entered into by the commissioners, for making surveys and examination.
22. ----- To be used by the president and directors, value how ascertained and paid.
26. Penalty on persons injuring bridge or road, &c.
27. ----- On the corporation for breach of duty of their toll-gatherer or other agent.
 8. President, how chosen.
10. Road, route thereof determined by commissioners.
11. ----- Declared a public highway.
16. ----- President and directors directed to make.
 2. Shares, number---value---apportioned for voting.
 4. ----- Sum to be paid on each at the time of subscribing.
29. ----- Transferable.
24. Toll, rates of.---25. Printed list of the rates of, to be affixed at the gate.

An ACT to authorize the building of a Toll-Bridge over Newtown Creek, in Queens County, and the laying out a Road from Newtown, in the County aforesaid, across the said Bridge through Bushwick, in Kings County, to the East River.

Passed March 26th, 1803.

1. **I.** **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That there shall be established a company of stockholders, for the purpose of building a bridge over Newtown creek, in the county of Queens, and of laying open and making a good and sufficient road from the town of Newtown aforesaid, across the creek aforesaid, and through the town of Bushwick, in Kings county, to some point or place on the bank of the East river, to be fixed upon as herein after is provided, who shall be and are hereby created and made a corporation and body politic, in fact and in name, to be known and distinguished by the name of the "Newtown and Bushwick Bridge Company," and by that name they and their successors for ever, shall and may have perpetual succession, and shall be and are hereby made capable in law of suing and being sued, impleading and being impleaded, answering and of being answered unto, defending and of being defended, in all courts and places whatsoever, and also shall and may make, use and have a common seal, and the same at pleasure alter, and also by that name shall be and hereby are made capable in law of purchasing, holding and conveying any estate real and personal, that may be necessary to enable them to fulfil the end and intent of the corporation hereby created.

2. **II.** *And be it further enacted,* That the capital stock of the said company, shall consist of two hundred and forty shares, and that the amount to be paid for each share shall be twenty-five dollars, and that each stockholder shall be entitled to a vote for every share he or she shall hold : *Provided,* That no person shall in any case be entitled to more than twenty votes : And subscriptions for
3 shares shall be taken in the manner following, to wit : Samuel Osgood, Marinus Willet and Samuel Riker, shall be and are hereby appointed commissioners for taking subscriptions, and shall on or before the first day of May next, procure three books, and in each of them enter as follows : We whose names are hereunder subscribed, do for ourselves and our legal representatives, promise to pay to the Newtown and Bushwick bridge company, the sum of twenty-five dollars, for each share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the president and directors of the said company, until the whole of twenty-five dollars is paid on each share ;" one of which books shall be left with each of the said commissioners, at their several places of abode, who shall respectively open their books for taking subscriptions for the purpose aforesaid, on the said first day of May next, and shall continue them open from day to day until the
4 whole number of shares are subscribed for ; and each subscriber

shall at the time of subscribing, pay unto the commissioner with whom he subscribes five dollars, for each share so by him subscribed; and as soon as one hundred shares shall be subscribed, the said commissioners shall cause an advertisement to be inserted in two of the public newspapers printed in the city of New-York, thereby giving fourteen days notice of the time and place when and where the said subscribers shall meet for the purpose of choosing seven directors, who shall be stockholders, to manage the concerns of the said company for one year; and the day of such election shall for ever thereafter, be the anniversary day for electing directors: *Provided always*, That the directors of the said company shall and may hold their office until a new election, which it shall and may be lawful in case an election did not take place on such anniversary day as aforesaid, on any other day to hold in such manner as shall have been regulated by the laws and ordinances of the said corporation; at which said first election, the aforesaid commissioners or any two of them shall preside, and shall on estimating the whole number of votes taken at such election, declare under their hands in writing, the seven persons having the greatest number of votes to be directors for the year then ensuing, and shall forthwith notify them of their election, and of the time and place when and where they are required to meet; and the said directors, or a majority of them, being met in pursuance of such notice, shall elect one of their number for president, and five of the directors of the said company shall be a quorum, and capable of transacting the business of the said company; and every act of the majority of the directors so met, shall be binding on the said company; and the president and directors may meet when and where they shall think proper, and shall have full power to make such bye-laws, rules and regulations, not inconsistent with the laws of the United States or of this state, as shall be necessary for the proper government of the said corporation, and shall and may appoint and employ such officers, agents, artists, workmen and others, as they shall think necessary for executing the business of the said corporation, and allow and pay to them respectively such compensation for their services as they shall deem proper.

III. *And be it further enacted*, That the aforesaid Marinus Willett, Samuel Osgood and Samuel Riker, be and they are hereby appointed commissioners, whose duty it shall be to examine and determine at what place the bridge and causeways shall be built over Newtown creek aforesaid, and what route or course the said road shall be laid out from Newtown to the said creek, and so from thence through Bushwick aforesaid, to some part or place on the east bank of the river, opposite or nearly opposite to Cannon's tavern, at Corlears hook, which said road conforming to the directions aforesaid, shall be laid out by the nearest and most direct route, as far as circumstances will admit, and shall be and is hereby declared to be a public highway, and shall be recorded as such by the clerks of the several towns through which the same shall

- 12 pass : And it shall also be the duty of the said commissioners to determine of what width the said bridge and road shall be ; so, nevertheless, that the said bridge shall not be less than twenty-one feet
13 wide, and the said road not less than three rods wide ; and after having made such examination, and agreed and determined upon the spot or place where the bridge shall be built over the said creek, and the route or course that the said road shall run from Newtown over the said creek, through Bushwick, to the East river, as aforesaid ; and the width of the said bridge and road, the said commissioners shall cause a proper survey thereof to be made and returned to them, which they, or any two of them, shall certify under their hands, and deliver to the president and directors of the
14 said company, on or before the first day of July next, together with a certified account of the expenses attending such examination and survey, which shall be forthwith paid to the said commissioners,
15 by the president and directors of the said company ; and it shall and may be lawful for the said commissioners, together with such persons as they shall employ to enter upon any land that they shall think necessary, for the purpose of making such examinations as aforesaid, and of executing and completing such survey as aforesaid.
- 16 IV. *And be it further enacted*, That when the aforesaid survey shall be completed and delivered, in manner aforesaid, to the president and directors of the said company, they shall thereupon cause a bridge and causeway to be built, and a road to be laid out opened and improved, so as to be in the ordinary condition of common roads.
- 17 V. *And be it further enacted*, That the bridge so to be built over the Newtown creek, and causeway made over the meadow aforesaid, shall be not less than twenty-one feet wide, and shall be built of wood or other materials sufficiently strong for the safe passage of persons, loaded carriages and teams, and shall be well secured with a good and sufficient railing on each side thereof, not less than four feet and six inches high, and shall be constructed on
18 the plan of a draw-bridge, having at least one draw, with fit and complete machinery to draw up and let down ; which said draw shall not be less than eighteen feet wide in the clear, and the piles or buttments on each side of the said draw, shall be so far distant from each other as to admit a raft of twenty-one feet wide to pass
19 under : And it shall be the duty of the said company to keep, and at all times have ready, proper persons to attend to the drawing up of the said bridge, for the passing of any vessel or vessels, for which no toll or other compensation shall be demanded or be
20 taken ; and and it shall also be the duty of the said company, at all times to keep and maintain, in good and sufficient repair, the bridge aforesaid, and lay out in repairs a sum not less than fifty
21 dollars annually on said road : *Provided*, The said company shall, at their own expense, set up good and lawful fences on each side of the said road, which shall be so laid out and opened as aforesaid, with liberty to use the materials of any fence which may be remov-

ed in laying out or opening of the said road; which said fences, so to be put up by the said company, shall afterwards be repaired and maintained by the persons whose property is thereby enclosed.

VI. *And be it further enacted*, That the president and directors of the said company, or any agent, superintendent or artist, by them appointed or employed, may enter into any land to be included in the survey so as aforesaid to be made, or which may be necessary to enable them to construct the said bridge, and to lay out and open the said road, and may contract and agree with the owner or owners of the land, for the purchase of so much thereof as may be necessary for the purpose of building the said bridge, and of laying out and opening the said road, and for erecting and establishing gates, toll-houses and all other works to the said bridge belonging, if they can agree with such owners; but in case of disagreement between the president and directors of the said company, and the owner or owners respecting the damages to be done to the said land, or if the owner or owners thereof shall be insane, feme covert, infants, or out of the state, then the said president and directors may apply to one of the judges of the said county of Queens, or the said county of Kings, in which ever of the said counties such lands shall lie, and who is not interested in the said road or bridge, who shall thereupon nominate and by an instrument in writing under his hand, appoint three freeholders of the said county of which he shall so be a judge, not being inhabitants of either of the aforesaid towns, nor of the town of Brooklyn, who shall do and perform the duties herein after mentioned; and it shall be the duty of the president and directors, to cause a copy of such appointment to be served on each of the three freeholders so to be appointed, and also to give notice to the owner or owners of such lands of such appointment, and the time and place which shall be determined upon by the said freeholders so appointed, at least ten days previous to such meeting, when and where they will meet to examine the land and assess the damages, except the owner or owners shall labour under any of the disabilities before mentioned or be absent, in either of which cases a copy of such notice may be left at the dwelling-house of the party, (if any) or other notorious place on the land through which such road shall be laid: *And further*, each of the said freeholders so to be appointed, shall before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation, before one of the justices of the peace in and for the said county, where the said land shall lie, that he will without favour or partiality, estimate and assess the damages that may be sustained by the owner or owners of any lands or improvements, which the said company shall deem necessary for the said bridge, and for the laying out and opening of the said road, and the said freeholders, so as aforesaid to be appointed, shall then proceed to view the premises, and having determined the damages shall make an inquisition under their hands and seals, or the hands and seals of any two of them stating the amount of damages which each or any of the owners,

of any parcel of land used or to be used for the said bridge or road, have sustained or shall sustain, which inquisition shall be acknowledged by the said freeholders, signing the same, before one of the judges of the county in which the said land shall lie, and filed in the office of the clerk of the said county, who shall at the cost, charge and expense of the said company, record the same in the book of deeds : and the said company shall pay to the said several owners of the land, the several sums awarded by such inquisition, and shall thereupon be entitled to make use of the same for the bridge and road aforesaid : And the said company shall pay to the judge for the appointment aforesaid two dollars, and to each of the said freeholders for each day necessarily attending the duties required of him by this act, two dollars and fifty cents.

- 23 VII. *And be it further enacted*, That as soon the said bridge shall be completed, and any two judges of the court of common pleas of the said counties of Queens and Kings, one from each county, not interested in the said road or bridge, shall upon inspection certify, under their hands, that the said bridge is well and sufficiently constructed and built, it shall be lawful for the president and directors of the said company to erect a gate at the end of the
- 24 said bridge, and demand, receive and take for the use of the said corporation, from all and every person and persons passing through the said gate, a toll not exceeding the following rates, to wit : for every score of sheep or hogs, four cents ; for every score of cattle, mules or horses, eight cents ; for every cart drawn by one horse, four cents ; for every phaeton, chariot, coach or coachee, eighteen cents ; for every stage-waggon or other four wheeled carriage drawn by two horses, eight cents ; for every common waggon drawn by two horses, six cents ; for every sleigh drawn by one or two horses, three cents ; and two cents for every additional horse ; for every cart drawn by two oxen, mules or horses, four cents ; and for every additional ox, mule or horse, one cent, and in the like proportion, if drawn by a greater or less number of horses, mules or oxen ; for every chaise, gig or sulkey, eight cents ; for every man on horseback, four cents ; and for every foot passenger, one cent ; and it shall be lawful for the toll-gatherers to stop any person leading or driving any horse, cattle, sheep, hogs, sulkey, phaeton, chair, chaise or other carriage of burthen or pleasure, or any foot passenger, from passing the said gate or turnpike, until they shall have respectively paid the toll as above specified.
- 25 VIII. *And be it further enacted*, That the said company shall affix to the gate of the said bridge a printed list of the rates of
- 26 toll which may be lawfully demanded ; and if any person shall break, cut or destroy any part of the bridge, turnpike or gate, which shall be erected in pursuance of this act, or shall forcibly pass the said gate without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay ten dollars, to be recovered with costs of suit, by the said company to their use in an action of debt.

IX. *And be it further enacted,* That if any traveller or passen- 27
ger shall be unreasonably delayed at the gate of the said bridge,
or any boat or vessel from passing through the draw thereof, or if
a greater toll shall be demanded or received by the said compa-
ny, their agents or servants, than is by this act established, such
agent or servant so occasioning such unreasonable delay or deten-
tion as aforesaid, or demanding or receiving any greater toll than
aforesaid, the president and directors shall, for every such offence,
forfeit and pay the sum of ten dollars, with costs of suit, to be
prosecuted for and recovered before any justice of the peace of
the county of Queens or Kings aforesaid, for the sole use of the
person or persons so unreasonably delayed or attempted to be de-
frauded.

X. *And be it further enacted,* That in case the said bridge is 28
not built, made and completed within three years from and after
the passing of this act, the said corporation hereby created shall
cease and be dissolved.

XI. *And be it further enacted,* That the shares in the said com- 29
pany shall be deemed, taken and considered to be personal estate,
and shall and may be transferable, in such manner and under such
regulations as the president and directors of the said company
may establish.

XII. *And be it further enacted,* That the president and directors 30
of the said company shall keep a just and true account of all mo-
nies received by them from the commissioners first named, and
from the stockholders; and of all monies expended by them in
and about the affairs and concerns of the said company, to be
laid before the stockholders thereof, if required, once in every
year, on the day of election of directors; and shall keep a just
and true account of all monies received by the collectors of toll
on the said bridge, and shall half yearly make and declare a div-
idend of the clear profits and income, all contingent charges be-
ing first deducted, amongst all the stockholders of the said corpo-
ration; the first dividend to be declared and made six months af-
ter the gate or turnpike is opened; and shall publish the half year-
ly dividend, to be made of the clear profit amongst the stockholders,
and of the times and places when and where the same will be paid
and shall cause the same to be paid accordingly.

XIII. *And be it further enacted,* That the president and directors 31
of the said company, shall within six months after the said bridge
shall be completed, lodge in the comptroller's office of this state
an account of the expences thereof, and the corporation shall an- 32
nually exhibit to the comptroller, a true account of all the income
arising from the said toll, with the annual disbursements on the
said bridge and road.

XIV. *And be it further enacted,* That the legislature may dis- 33
solve the said corporation whenever the income arising from the
said toll shall have fully compensated the said corporation for all
monies they may have expended in purchasing and making of the
said road and bridge, and of keeping in repair and taking care of

the said bridge, together with an interest thereon of fourteen per centum per annum; and thereupon the right, interest and property of the said bridge shall be vested in the people of this state, and be and remain at their disposal.

35 XV. And be it further enacted, That this act be and is hereby declared to be a public act.

MINDEN AND PALATINE BRIDGE.

C H A P. XCI.

C O N T E N T S.

2. Bridges, where to be erected---23. How to be made.
1. Company, their style and corporate rights.---16, 21, 22. When and for what causes to be dissolved.
4. Directors, five, to manage the concerns of the corporation.
5. ----- How chosen.
6. ----- Vacancies happening among, how filled.
7. ----- First board of, appointed.
13. ----- Annually to lay a general statement of the accounts before the stockholders, &c.
14. ----- May make and prescribe rules and regulations.
15. ----- May appoint workmen, clerks, &c.
20. Dividends, how declared and paid.
3. Election, anniversary day of.
3. Estate, which the corporation is authorized to hold, limited.
17. Gate, when to be erected and toll exacted.
9. President, directors to choose.
10. Shares, number and amount of each.---12. Apportioned for voting.
11. ----- Instalments on, directors empowered to demand, and to declare them forfeited in case of non-payment.
18. Toll, rates of.
19. ----- Who exempt from the payment of.
5. Treasurer, how chosen.
8. ----- The, first appointed.

An ACT to incorporate the Montgomery Bridge Company.

Passed April 5th, 1803.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Abraham Oothoudt, Peter W. Fox, Peter Waggoner, junior, George Waggoner, Philip Nellis, Volkert D. Oothoudt, Jonas Oothoudt and Gerrit Oothoudt, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic for the term of forty years, by the name of "The President and Directors of the Montgomery Bridge Company," for the purpose of erecting and building a bridge over each branch of the Mohawk river between the towns of Minden and Palatine, in the county of Montgomery, near the store of Jonas Oothoudt and company, and at a place where a certain inland lies in the

said river nearly opposite the division line of the land belonging to Peter Waggoner and Peter W. Fox, on the said island ; and said bridges shall be so constructed as not to hinder or impede the present or future navigation of said river, and they are hereby ordained, constituted and declared to be a body politic and corporate in fact and in name, for the term aforesaid, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of suits, actions and causes whatsoever, and that they and their successors shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation : *Provided*, That the whole of the estate of the said corporation, shall not exceed five thousand dollars. 3

II. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed, conducted and directed by five directors, who shall be stockholders ; and shall together with a treasurer be annually chosen and elected on the first Tuesday of May in every year, and at such place as the directors for the time being shall appoint, of which notice shall be given in newspapers printed in the county of Montgomery, or if there shall be no paper printed in the said county, then in one of the newspapers printed in the city of Albany, at least thirty days before the day of meeting ; that all elections for treasurer and directors shall be by ballot ; and such person who shall at any such election have the greatest number of votes as treasurer, shall be treasurer ; and in like manner such five persons who shall have the greatest number of votes at such election, as directors, shall be directors, and shall hold their respective offices for one year, and until others shall be chosen in their places : that if any vacancies shall happen among the directors by death, resignation or otherwise, such vacancies shall be filled up, for the remainder of the year in which they shall happen, by the appointment of the other directors for the time being, or a majority of them ; and that the first directors shall be Abraham Oothoudt, Hanjost Waggoner, Peter W. Fox, Jonas Oothoudt and Jacob Abeel, and that Volkert D. Oothoudt be the first treasurer ; who shall hold their respective offices until the first Tuesday of May in the year of our Lord one thousand eight hundred and four, and until others shall be chosen to succeed them : and that the said directors shall at their first meeting after such election appoint one of their number president. 4 5 6 7 8 9

III. *And be it further enacted*, That the number of shares or subscriptions constituting the stock or fund of the said corporation, shall not exceed four hundred and fifty shares ; that each share shall be thirty dollars, to be paid on the requisition of the president and directors, in such proportions, at such periods, and after such notice as they shall direct and appoint, upon pain of forfeiture. 10 11

- of such shares and all previous payments, if such requisition shall not be complied with within forty days after the time appointed for that purpose : That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have or hold in his or her name, according to the following ratio, that is to say : Every owner of one or more shares to the number of six, shall have one vote for each share ; and for every two shares above six and under fourteen, one vote ; and for every three shares above fourteen and under twenty, one vote ; and one vote for every five shares above twenty.
- 13 IV. *And be it further enacted*, That the president and directors for the time being, or a majority of them, shall have the disposition of the funds of the said corporation, to and for the uses aforesaid, and shall annually, on the first Tuesday of May, lay before the stockholders of the said corporation a general statement of their accounts and proceedings ; it shall be the duty of the president and directors to lodge with the treasurer, at least ten days previous to such annual meetings, for the inspection and examination of the stockholders : and the president and directors, for the time being, or the major part of them, shall have power to make and prescribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, and touching the duties and conduct of their treasurer, secretary, clerks, agents and servants employed therein, and touching all such matters as appertain to the said corporation, with power to appoint such and so many workmen, clerks and servants, for the erecting and building of the said bridges as they may deem necessary.
- 16 V. *And be it further enacted*, That in case the said bridges shall not be erected, built and completed, on or before the first day of December in the year of our Lord one thousand eight hundred and five, then and in such case, the corporation by this act created shall be adjudged and considered as dissolved.
- 17 VI. *And be it further enacted*, That as soon as the said bridges shall be completed, and the judges of the court of common pleas in and for the county aforesaid, or a majority of them, shall upon inspection certify under their hands that the said bridges are well and sufficiently constructed and built, and will admit of the passage of loaded waggons and other carriages, it shall and may be lawful for the said president and directors to erect a gate on either side of the river, at the end of either of the said bridges, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit : Every four wheel pleasure carriage drawn by two horses, nineteen cents, if drawn by four horses, twenty-five cents ; every two wheel pleasure carriage, drawn by one horse, nine cents, and if drawn by two horses twelve and an half cents ; every waggon and two horses, twelve and an half cents, and if drawn by four horses, nineteen cents ; each sled drawn with two horses or two oxen, six cents ; each waggon or cart drawn with two oxen, twelve and an half cents,

each additional yoke of oxen six cents ; every one horse cart, six cents ; every man and horse, six cents ; every foot passenger, two cents ; every horse, jack or mule, three cents ; every score of neat cattle, ten cents, and in that proportion for a greater or less number ; every score of sheep or hogs, ten cents, and so in proportion for a greater or less number : *Provided nevertheless*, That any 19 troops in the service of this state, or of any other state, or of the United States, and all waggons and other carriages with property of any kind belonging to this state or the United States, shall be permitted to pass the same toll free.

VII. *And be it further enacted*, That the president and directors 20 on the first Tuesday of January next after the said bridges shall be completed, and shall have been certified by the said judges in manner aforesaid, and yearly thereafter, shall make a dividend among the stockholders of the said corporation of the production of the toll, previously deducting therefrom the amount of all the monies by them expended in the making, repairing and rebuilding the said bridges, and in the management of the concerns of the said corporation, giving previous notice of such dividend in the public newspapers printed either in the county of Montgomery or in the city of Albany, as is herein before directed.

VIII. *And be it further enacted*, That from and after the expira- 21 tion of the said term of forty years the said bridges with their appurtenances shall become the property of and be vested in the people of this state.

IX. *And be it further enacted*, That if the said bridges, or either 22 of them, after the same shall be completed, shall at any time during the said term of forty years be impassable for the term of thirty days, that the said corporation shall be and the same is hereby declared in such cases to be dissolved : *Provided nevertheless*, That no such dissolution shall take place by reason of the said bridges or either of them being carried away by the ice or freshet, if the said bridges shall be rebuilt within eighteen months thereafter.

X. *And be it further enacted*, That the said bridges shall not be 23 less than twenty feet wide, and shall be well secured with a good and sufficient railing on each side of the same not less than four feet high.

Bridge over Genesee River.

C H A P. LXXXIX.

C O N T E N T S.

2. Bridge, where to be erected.
3. Commissioners, to superintend the building the bridge, Governor to appoint.---4. To give bond.---6. To account with the board of supervisors.
1. Supervisors of Ontario and Genesec, directed to raise a sum of money in each county.
5. Treasurers of Ontario and Genesec, to pay monies to the order of the commissioners.

K

An ACT to raise Money to build a Bridge across the Genesee River.

Passed April 5th, 1803.

- 1 **I. BE** it enacted by the People of the State of New-York, represented
 2 *in Senate and Assembly*, That the supervisors of the coun-
 3 ties of Ontario and Genesee shall be, and they hereby are authori-
 4 zed and required, at their next annual meeting in each county
 5 respectively, to direct to be raised, levied, collected and paid, as
 6 the necessary and contingent expences of said counties are by law
 directed to be raised, levied and collected, a sum not exceeding
 two thousand dollars in each of said counties, for the purpose
 of building a bridge across the Genesee river, between the towns
 of Hartford and Southampton, in the most eligible place on or
 near the western state road, together with the sum of five cents
 on each dollar for collecting the same, with one cent on each
 dollar for treasurer's fees : which sums when collected and paid
 into the respective treasuries of the said counties, to be drawn
 out by order of the commissioners to be appointed agreeably to
 this act.
- II. *And be it further enacted*, That it shall be lawful for the per-
 son administering the government of this state to appoint one
 commissioner in each of the said counties, whose duty it shall be
 to superintend and direct the building of said bridge.
- III. *And be it further enacted*, That it shall be the duty of the
 commissioners so to be appointed, to give a bond to the supervi-
 sors of the county of Ontario, in the penal sum of five thousand
 dollars, conditioned for the faithful discharge of the duties im-
 posed on them by this act : and that it shall be lawful for the
 treasurers of the said counties of Ontario and Genesee, and they
 are hereby required and directed to pay to the order of the said
 commissioners, all monies which they may have received in virtue
 of this act.
- IV. *And be it further enacted*, That it shall be the duty of said
 commissioners, and they are hereby required to account with the
 supervisors of the said county of Ontario for all monies which shall
 come into their hands by virtue of this act.

Turnpike Inspectors.

C H A P. XXX.

*An ACT regulating the Compensation of Inspectors or Commissioners
of Turnpike Roads.*

Passed March 8th, 1803.

BE it enacted by the People of the State of New-York, represented
in Senate and Assembly, That the compensation hereafter to
 be allowed to the inspectors or commissioners appointed or to be

appointed by the governor for the purpose of inspecting any of the turnpike roads within this state, shall be at and after the rate of three dollars per day for each inspector or commissioner, for the time he or they shall necessarily attend in the premises.

Turnpikes.

NEWTOWN TURNPIKE.

C H A P. L.

C O N T E N T S.

14. Bye-Laws, directors empowered to make.
5. Commissioners appointed to receive subscriptions.
8. ----- Their duty as it respects the first election of directors.
21. ----- To assess the value of lands and damages, how appointed---
their duty.
23. ----- Their compensation, and of the judge who appoints them.
26. ----- For viewing road when completed, how appointed.
41. ----- For viewing road when out of repair, how appointed---
their duty and compensation.
1. Company, names of the persons incorporated.
3. ----- Their style and corporate rights.
4. ----- Limited in the purchase of real estate.
40. ----- For what causes the act of incorporation to cease.
9. Directors, thirteen to be chosen.---12. Seven a quorum.
14. ----- May make bye-laws.
19. ----- May appoint officers, &c.
55. ----- To keep an account of the income and make half yearly dividends of the profits.
56. ----- To render the Comptroller an account of the expences of making the road.---37. And annually of the dividends and disbursements.
25. Ditches, how made.
10. Election, to be by ballot.---11. Anniversary day of.
26. Gates, when to erected and toll exacted.
42. ----- To be thrown open when the road is out of repair.
20. Lands, necessary for road, &c.---21. Value and damages how ascertained in case of disagreement.
27. ----- When paid for to vest in the corporation.
31. Penalty, on persons for injuring road or gates, and for forcibly passing gates without paying toll.
32. ----- For turning out of the road, to avoid paying toll.
33. ----- On toll-gatherers for breach of duty.
- 38, 39. --- On stockholders for not paying instalments on shares.
13. President, how chosen.
17. ----- Pro tempore, may be chosen in the absence of the president.
15. Proxy, stockholders may vote by.
2. Road, direction of.
24. ----- How constructed and made.
- 6, 7. Shares, value of, and sum to be paid on subscribing.
16. ----- Apportioned for voting.
18. ----- Number that may be subscribed in the whole.

- 34. Shares, personal estate, and transferable.
- 38. ----- Instalments on, directors may demand.
- 39. Stock, in what case it may be increased.
- 27. Toll-Gatherers, when and how appointed.
- 33. ----- Penalty on, for breach of duty.
- 28. Toll, rates of:---30. Printed lists of, to be affixed at the gates.
- 29. ----- In what cases persons to pass gate free from.

An ACT to establish a Turnpike Corporation for improving and making a Road from the Village of Newtown, in the County of Tioga, to the Head of the Seneca Lake.

Passed March 22d, 1803.

- I. **B**E it enacted by the People of the State of New-York, represented
1 in Senate and Assembly, That Mathew Carpenter, James Sayre, Benjamin Barton, Joseph Colt, Caleb Baker, Phineas Catlin, William Jenkins, Isaac Baldwin, Guy Maxwell, Howes Goldsborough, Elijah H. Gordon, Walter Grieve and Thomas Powell, and all such others as shall associate for the purpose of
2 making a good and sufficient road, to run in the most direct and convenient route, as far as circumstances will admit, from the house now occupied by William Dunn, in the village of Newtown, in the county of Tioga, to the head of the Seneca lake, their successors and assigns, be and they are hereby created and
3 made a body corporate and politic, by the name of the "President, Directors and Company of the Newtown Turnpike Road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the
4 use of the said corporation: *Provided*, That the amount of such real estate, which the said corporation are hereby authorized to purchase and hold, shall not exceed, at the time of purchasing the same, five thousand dollars. *And provided further*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.
- 5 II. *And be it further enacted*, That John Konkell, Joseph Colt, Walter Grieve, Guy Maxwell and Howes Goldsborough, be and they are hereby appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: they shall on or before the first day of July next, procure books and in each of them enter as follows: We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Newtown

turnpike road, the sum of twenty-five dollars for every share of 6
stock in said company, set opposite our respective names, in
such manner and proportion, and at such time and place as shall
be determined by the said president, directors and company : one
of which books shall be left with each of the said commissioners,
at their respective places of abode, who shall immediately open
the same, and keep open the same for the purpose of receiving
subscriptions ; and every subscriber shall at the time of subscrib- 7
ing pay unto either of the said commissioners, three dollars for
each share by him subscribed ; and the said commissioners shall 8
as soon as four hundred shares are subscribed, cause an advertise-
ment to be inserted in the newspapers printed in the counties of
Tioga and Ontario, giving at least sixty days notice of the time
and place when and where the same subscribers shall meet, to 9
choose thirteen directors, who shall be stockholders, for the pur-
pose of managing the concerns of the company for one year ;
and the said directors shall be chosen by ballot by the stockhold- 10
ers then present ; and the day of choosing the said directors, 11
shall for ever thereafter be the anniversary day of choosing said
directors ; and seven of said directors shall be a quorum and 12
capable of transacting the business of the said corporation ; and
every act of a majority of the directors so met shall be binding
on said corporation ; and the said directors, elected by a plural- 13
ity of the stockholders present, shall immediately proceed to
elect by ballot one of their number for president, and the said
president and directors may meet from time to time, at such
place as they may find expedient and direct ; and they shall 14
have power to make such bye-laws, rules, orders and regulations,
not inconsistent with the constitution or laws of the United
States or of this state, as they shall deem necessary for the well
ordering the affairs of said corporation : *Provided*, That at the 15
election of directors, the stockholders not present may vote by
proxy for directors ; and each stockholder shall be entitled to 16
one vote for every share he shall hold under the number of ten
shares, and one additional vote for every ten shares he shall hold
above the number of ten shares.

III. *And be it further enacted*, That in case of the death, absence 17
or inability of the president, a quorum of the directors met, may
choose or appoint a president pro tempore, and shall and may
proceed and transact business of the said corporation, in like man-
ner as if the president were present.

IV. *And be it further enacted*, That the said president and di- 18
rectors may continue to receive subscriptions to the said stock of
said corporation, until there shall have been twelve hundred
shares subscribed ; and shall have power to appoint such officers 19
agents, clerks, artists, workmen and others under them, as shall
be necessary for executing the business of the said corporation.

V. *And be it further enacted*, That the said corporation, by the 20
president and directors, or by any agent, superintendent and artist,
or other person or persons employed in their service, may enter

into and upon any land where they shall deem it proper to construct the said road, and to lay out and survey such tracts or routes, as shall be deemed most practicable for making a good and sufficient road between the places aforesaid; and the said president and directors may contract, and agree with the owners of the said land, for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses and all other works to the said road belonging, and in case of disagreement between the said parties, with respect to the value of the land so as aforesaid to be laid out, and the damages, if any, to be done to the said land, or if the owner or owners shall be *semes covert, insane, under age*, or out of the country, then and in either such case it shall and may be lawful for the said president and directors, to apply to one of the judges of the court of common pleas, in and for the county of Tioga, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of any towns through which the said road shall pass, or interested in the said road; and it shall be the duty of the said president and directors, to give notice to the said commissioners of their appointment, who, or any two of them, shall thereupon name a day for meeting on the land and performing the duties required of them by this act; which day shall not be more than ten, nor less than four days from such notice of their appointment, and the said president and directors shall give at least four days notice to the owner or owners of such land, of the time when and the place where the said commissioners shall meet for the purpose of viewing the land and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid or be absent, in either of which cases a copy of such notice may be left at the dwelling-house, if any, of the party, or other notorious place on the land through which such road shall pass: *And further*, Each of the said commissioners shall before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation, in writing, before one of the justices of the peace of the county of Tioga, that he will without favour or partiality estimate and assess the damages, which may be sustained by the owner or owners of the land or improvements, which the said corporation may deem necessary to take and appropriate for the said road; and the said commissioners shall then proceed to view the premises and having ascertained the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the land and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land, used or to be used for such road, have sustained or will sustain, which inquisition shall be acknowledged by the commissioners signing the same, before one of the judges aforesaid, and then filed, together with the affidavit afore-

said, in the office of the clerk of the county of Tioga, within thirty days after such view shall be had and made by the said commissioners; and the said clerk shall at the expense and costs of the said president, directors and company, enter the same of record in the book kept by him for recording deeds; and the president, directors and company aforesaid, upon paying the said several owners of the said land, the several sums so assessed and awarded by the said inquisition, shall and may have and hold to them, their successors and assigns for ever, the lands and tenements therein described: *Provided*, That nothing in this act contained, shall be construed to authorize the said president and directors, to enter upon such land and to make such road thereon, until they shall have paid or tendered such damages as may be agreed upon or appraised, according to the provisions of this act.

VI. And be it further enacted, That the said president and directors shall pay to the judge who shall appoint the said commissioners as aforesaid, one dollar and fifty cents for his services, and to each of the said commissioners for every day necessarily attending to perform the duties required of them by this act, two dollars and fifty cents.

VII. And be it further enacted, That the said president, directors and company shall cause a road to be laid out not less than four nor more than six rods wide, and which shall be twenty-four feet between the ditches on each side thereof, twenty feet whereof shall be bedded with stone, gravel, or sound wood, well compacted together and of sufficient depth to secure a good and solid foundation for the same; and the said road shall be faced with gravel, stone, or other hard substance in such manner as to secure a firm, and, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch, and the ditches on the sides of the said road shall, where it may be practicable, be of a proper width, and sufficiently level to form a good road for sleighs.

VIII. And be it further enacted, That as soon as the president, directors and company shall have completed the said road, it shall be lawful for the said president and directors to give notice to the governor of this state, for the time being, who shall thereupon forthwith nominate and appoint three commissioners to view the same and report to him in writing whether said road is completed in a workmanlike manner, according to the true intent and meaning of this act, and if the report shall be in the affirmative, then it shall be the duty of the governor to whom they report, and he is hereby required, by licence under his hand and the privy seal of the state, to permit the said president and directors to erect and fix two gates and turnpikes upon and across said road, to collect the duties and tolls hereinafter granted to the said corporation, from all persons travelling or using the same.

IX. And be it further enacted, That as soon as the said road shall be completed, and permission so as aforesaid granted to erect gates upon and across the same, it shall and may be lawful for the said

- president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road at either of the gates, the tolls and duties hereinafter mentioned, and no more, that is to say : For every score of sheep or hogs, eight cents ; for every score of cattle, horses or mules, twenty cents ; for every horse rode, led or driven, six cents ; for every chair, sulkey or chaise, with one horse, twelve and an half cents ; for every cart drawn by one horse, six cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage, waggon, or other four wheel carriage drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox ; for every cart drawn by two oxen, twelve and an half cents, and three cents for every additional ox ; for every sleigh or sled, nine cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or less number of horses or oxen : And it shall and may be lawful for any toll-gatherers to stop and detain any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, chair, phaeton, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the turnpike gates until they shall respectively have paid the toll as above specified : *Provided*, That nothing in this act shall be construed to entitle the said corporation to demand toll of or from any person passing to or from public worship, his farm, a funeral, or to or from a grist-mill, for the grinding of his grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing between the said gates and within five miles of the said road, or from any of the family of such persons who shall be going to the said village of Newtown on his or their own domestic business, or with the produce of his farm, and returning therefrom to his or their place of residence.
- 30 X. *And be it further enacted*, That the president and directors shall cause to be affixed at or over each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.
- 31 XI. *And be it further enacted*, That if any person or persons shall break or throw down, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall pass forcibly either of said gates, without having previously paid the legal toll, such person or persons shall for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of said corporation, to their use, in an action of debt, with costs of suit, in any court having cognizance of the same ; and if any person or persons shall, with his team or teams, carriage or horse, turn out of the said road to pass either of the said gates on ground adjacent thereto, and again enter on said road, having passed the said gate or gates to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit.
- 32
- 33 XII. *And be it further enacted*, That if any toll-gatherer shall

unreasonably delay or hinder any traveller or passenger, at either of the said gates, or shall demand and receive more toll than is by this act established, he, for every such offence, shall forfeit and pay twenty-five dollars, to be recovered for the use of the person so unreasonably hindered or detained.

XIII. *And be it further enacted*, That the shares of the said turn- 34
pike road shall be deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.

XIV. *And be it further enacted*, That the president and directors 35
of the said corporation shall keep a fair and just account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income, all contingent costs and charges being first deducted, among the stockholders of the said corporation, on the first Tuesday of January and July in every year, and shall publish the half yearly dividends among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

XV. *And be it further enacted*, That the said president and di- 36
rectors shall, within six months after the said road shall be completed, lodge in the comptroller's office of this State an account of the expenses thereof; and the corporation shall annually exhibit to 37
the comptroller a true account of the dividends arising from said toll, with the annual disbursements.

XVI. *And be it further enacted*, That it shall and may be lawful 38
for the president and directors to call and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all the previous payments thereon, to the said president, directors and company.

XVII. *And be it further enacted*, That after the amount of the 39
twelve hundred shares mentioned in and by the fourth section of this act, shall have been appropriated by the said president and directors, for the purpose of making a good and sufficient road between the places aforesaid; and the sum so appropriated shall be found insufficient to effect the purposes aforesaid, it shall and may be lawful for the president and directors, in order to complete the said road, to increase or raise the funds of the said corporation, by adding a sum not exceeding five dollars to every share in the whole stock; which sum so to be added, shall be in an equal ratio upon each and every share, to be collected and paid in manner aforesaid, subject on default of payment to the pains and forfeitures aforesaid.

XVIII. *And be it further enacted*, That the legislature may dis- 40
solve the said corporation when the income arising from the said toll shall have fully paid and compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of the said road, together with an interest

thereon of fourteen per cent per annum, and thereupon the right, interest and property of said corporation in the road aforesaid shall be vested in the people of this state, and be and remain at their disposal. *Provided*, That if the said corporation shall not commence their operations within two years after the passing of this act, and shall not within eight years afterwards complete the same, according to the intent and meaning thereof, then, and in either case, this act shall cease, and be void and of no effect.

- 41 XIX. *And be it further enacted*, That three disinterested freeholders shall be appointed by the governor and council of appointment, whose duty it shall be to examine the said road from time
42 to time, and whenever they shall find the same out of repair, to order the toll-gate on such part of said road to be kept open, until it shall, in their opinion, be well and sufficiently amended and repaired; and that the said commissioners shall have and receive as a compensation for their services respectively, the sum of three dollars for each day they shall be necessarily engaged in viewing and inspecting said road: *Provided*, Such viewing and inspection do not exceed two days in any month of the year: which said compensation shall be paid to such commissioners by the said president, directors and company.

CANANDAIGUA AND BATH TURNPIKE.

C H A P. LXXVII.

C O N T E N T S.

5. Commissioners for receiving subscriptions, appointed.
6. ----- Form of entry in their books of subscription.
8. ----- Each of, to keep a book open for receiving subscriptions.
10. ----- Their duty with respect to the first election of directors.
1. Company, names of the persons incorporated.
3. ----- Their style and corporate rights.
40. ----- When and for what causes to be dissolved.
11. Directors, nine, how chosen.---13. Five a quorum.
14. ----- To choose a president.---15. May make bye-laws.
16. ----- May declare shares forfeited in case of non-payment.
21. ----- May appoint agents and workmen.
25. ----- May by themselves or agents enter upon lands, make surveys, &c.
23. Ditches, where practicable, to be so constructed as to admit the passage of sleighs.
37. Dividends, how declared and paid.
39. ----- An account of, to be annually exhibited to the comptroller.
11. Election to be by ballot.---12. Anniversary day of.
17. ----- Stockholders authorized to vote by proxy at.
18. ----- Shares apportioned for voting at.
4. Estate, real and personal, for what purposes held, and to what amount.
27. Gates, when to be erected and toll exacted.---28. Not to be less than 10 miles apart.

26. Lands and materials to be taken for the road, value and damages, how ascertained in case of disagreement.
33. Penalty on persons for forcibly passing gates without paying toll.
34. ----- For avoiding the gates to get clear of the payment of toll.
35. ----- On toll-gatherers for misconduct.
14. President, how chosen.
19. ----- Pro tem. may be appointed in the absence of the president.
2. Road, where to commence and end.
22. ----- How to be constructed and made.
24. ----- To be kept in good repair.
38. ----- An account of the expense of, to be lodged in the comptroller's office.
7. Shares, amount of each, and how to be paid.
9. ----- Sum to be paid on each, at the time of subscribing.
16. ----- Directors may declare them forfeited, in case of non-payment of instalments.
18. ----- Apportioned for voting at election of directors.
20. ----- Number which may be subscribed.---36. Transferable.
6. Subscription Books, form of entry therein.
29. Toll, rates of.---31. Who exempted from payment of.
30. Toll-Gatherers, when appointed.
32. ----- May stop persons until they shall have paid the toll.

An ACT to establish a Turnpike Corporation to make and improve a Road from Canandaigua, in the County of Ontario, to Bath, in the County of Steuben.

Passed April 2d, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Swift, Abner Barlow and Moses Atwater, of the county of Ontario, and William Kersey and Henry A. Townsend, of the county of Steuben, and all such other persons as shall associate for the purpose of making a good and sufficient road from the court-house in the town of Bath, in the county of Steuben, on the most direct and eligible route to intersect the Genesee turnpike in the town of Canandaigua, their successors and assigns, shall be and are hereby created a body corporate and politic in fact and in name, by the name of The President, Directors and Company of the Canandaigua and Bath Turnpike Road, and by that name shall be capable in law to purchase, have, hold, enjoy and retain, to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, or in any other place whatsoever: *Provided*, That such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created, and to no other use, intent or purpose whatsoever, and that the same shall not exceed in value the sum of five thousand dollars.

II. *And be it further enacted*, That the said John Swift, Abner

- Barlow, Moses Atwater, William Kersey, and Henry A. Townsend, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say : they shall, on or before the first day of July next, procure five books, and in each of them enter as follows : " We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors and company of the Canandaigua and Bath turnpike road, the sum of twenty-five dollars, for every share of stock in the said company set opposite to our respective names, in such manner and proportion and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions : And every subscriber shall at the time of subscribing pay unto either of the said commissioners the sum of three dollars for each share so subscribed ; and the said commissioners, as soon as five hundred shares shall have been subscribed for, shall cause an advertisement to be published in two of the public newspapers printed nearest to the route of said road, giving at least sixty days notice of the time and place when and where the said subscribers shall meet for the purpose of choosing nine directors to manage the concerns of said company for one year, and which said directors shall be stockholders and shall be chosen by ballot by the stockholders of the said company ; and the day of choosing the said directors shall thereafter be the anniversary day for choosing directors ; and any five of said directors shall be a quorum, and capable of transacting the business of said company, and every act of a majority of the said directors so met shall be binding on the said corporation ; and the said directors elected by a plurality of votes of the stockholders present, shall immediately proceed to the choice and elect by ballot one of their number for president ; and the said president and directors may meet from time to time and at such place as they may find expedient and direct, and shall have power to make such bye-laws rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation, with a power of declaring all previous payments made on the respective shares by stockholders whose full sum or any part thereof is not paid at the time and place specified by the said directors to be forfeited ; *Provided*, That at every such election for directors, the stockholders not present may vote by proxy for directors, and each stockholder shall be entitled to one vote for every share by him held to the number of ten, and for every five votes over and above the said number, to one vote and no more.
- 19 III. *And be it further enacted*, That in case of the death, absence or inability of the president, a quorum of the directors met may choose or appoint a president *pro tempore*, and shall and may proceed and transact the business of the said corporation.

IV. *And be it further enacted*, That the said president and directors, may continue to receive subscriptions to the stock of the said corporation, until there shall be two thousand shares subscribed; and shall have power to appoint such agents, clerks, workmen and 21 others under them, as shall be necessary for executing the business of the said corporation.

V. *And be it further enacted*, That the said president, directors 22 and company, shall cause the said road to be laid out at least four rods wide, where the same is practicable, twenty-two feet of which shall be bedded with sound wood, stone, gravel or other hard substance compacted together, a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance, in such manner as to secure, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch; and the ditches on each side of 23 the said road, shall when it may be practicable, be so constructed as to admit the convenient passage of sleds along the same; and 24 they shall during the continuance of this act, maintain and keep the same in good order and repair.

VI. *And be it further enacted*, That the said corporation, by the 25 president and directors, or by any agent, superintendent, artist or other person employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracks as they shall judge most proper and practicable, for effecting a good and sufficient road between the places aforesaid: And the said president and directors may contract with the owners of the said land, for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and other works to the said road belonging; and with their carriages, beasts, tools and implements to enter in and upon any land, contiguous to the said road, and to carry away any timber, stone, gravel, sand or other earth, being most conveniently situated for making or repairing said road, and to use the same for carrying on the said work; the said president and directors paying to the said owner or owners of the said land, through which the said road so to be laid out shall run, such reasonable compensation for the same, or for materials as aforesaid, or other damages which such owner or owners may sustain in consequence thereof, as may be agreed on between the said president and directors and the said owner or owners; and in case of disagree- 26 ment between the parties, as to the value of the said land or materials, or the amount of such damages, the same shall be determined by an appraisement to be made on oath, of three disinterested freeholders, or of any two of them, and who shall be mutually chosen by the said parties, or if the owner or owners of said land or materials, shall refuse or neglect to join in such choice, they shall be appointed by any judge of the county in which the lands or materials so to be valued or appraised shall be situate, and who

shall not be one of the stockholders of the said corporation, or interested in the said lands or materials.

- 27 VI. *And be it further enacted*, That as soon as the said president, directors and company shall have completed ten miles of the said road, in the manner in this act specified, then it shall be lawful for the president, directors and company to give notice to the person administering the government of this state, who shall thereupon forthwith nominate and appoint three judicious persons to view the same, and to report to him in writing, whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the report of the said persons, or any two of them, be in the affirmative, then it shall be lawful for the said person administering the government of this state, and it is hereby made his duty, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road; and in like manner when any additional ten miles shall be completed as ascertained as aforesaid, then it shall be lawful for the president and directors to erect one other gate or turnpike across said road, and to demand and receive the toll herein after mentioned; and when the whole road shall be completed according to the true intent and meaning of this act, and inspected as aforesaid, it shall and may be lawful for the said president and directors to erect such and so many gates and turnpikes as may be
- 28 necessary on the said road: *Provided*, That such gates shall not be erected at a less distance than ten miles from each other.
- 29 VIII. *And be it further enacted*, That as soon as the whole or any part of the said road shall be completed, and permission to erect a gate or gates as aforesaid granted, the president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, and passing through any one of the said gates, the tolls and duties herein after mentioned, and no more: that is to say, For every score
- 30 of sheep, eight cents; for every score of hogs, eight cents; for every score of cattle, horses or mules, twenty cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules; for every sulkey, chair or chaise, with one horse, twelve and an half cents; for every cart drawn by one horse, six cents, for every chariot, coach, coachee or phaeton, twenty-five cents; for every other four wheeled carriage, drawn by two horses, mules or oxen, twelve and an half cents, and for every additional horse, mule or ox, three cents; for every sleigh or sled, nine cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or less number of horses or oxen; for
- 31 every horse and rider, or led horse, six cents: *Provided*, That no person passing to or from public worship on Sunday, going to their common labour on their farm, with their cattle or teams, or returning therefrom, carrying fire-wood, going to or returning from mill to which they usually resort for the grinding of their grain, or to or from a blacksmith's shop, shall pay any toll: *Pro-*

vided also, That no person residing within three miles of any gate on said road shall pay toll for passing through such gate for himself, his family, horses, cattle, teams or carriages : And it shall 32 be lawful for any of the toll-gatherers to stop any person or persons driving any carriage or sled, riding or leading horses, driving horses, oxen, mules, sheep or hogs, from passing through any of the gates or turnpikes, till they have respectively paid the tolls above mentioned ; and if any person or persons shall forcibly pass 33 any gate or gates, without having paid the legal toll, they shall forfeit the sum of twenty-five dollars for each offence, to be recovered in the name of the company, to their use, by action of debt, in any court having cognizance of the same, with costs ; and if any person, with his team, horses or carriages, cattle, sheep 34 or hogs, shall, after travelling the said road, turn off to pass the said gate or gates, on ground adjacent thereto, and again enter on the the said road, with intent of defrauding the said company, by avoiding the payment of the toll due by virtue of this act, such person shall forfeit the sum of twenty-five dollars, to be recovered as aforesaid, with costs.

IX. *And be it further enacted*, That if any toll-gatherer shall 35 unreasonably delay or hinder any person from passing any of the gates, and at any time in the day or night, on tendering the legal toll, or shall demand more than is established by this act, he shall, for every such offence, pay a sum not exceeding twenty-five dollars, to be recovered before any justice in the county where such offence shall be committed, for the sole use of the person so hindered, delayed or defrauded, and in his name, with costs.

X. *And be it further enacted*, That the stock of the said company shall be taken and deemed personal estate, and shall and 36 may be transferable, agreeably to such bye-laws, rules and regulations as may from time to time be made therefor by the directors.

XI. *And be it further enacted*, That the president and directors 37 of the said corporation, shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income, (all contingent costs and charges being first deducted) among all the stockholders, and shall give public notice of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

XII. *And be it further enacted*, That the said president and directors, shall within six months after said road is completed, lodge in the comptroller's office of this state, an account of the expense thereof : and the corporation shall annually exhibit 39 to the comptroller a true account or dividend of all the income arising from said toll, with the annual disbursements on said road.

XIII. *And be it further enacted*, That the legislature may dis- 40 solve the said corporation, when the income arising from the

said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest of fourteen per centum per annum; and thereupon the right, interest and property of said road shall be vested in the people of this state, and be and remain at their disposal: *Provided*, That if the said corporation shall not commence their operations on the said road within three years after passing this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

GREAT WESTERN TURNPIKE—THIRD COMPANY.

C H A P. LXXXIV.

C O N T E N T S.

43. Accounts, how to be kept.
16. Bye-Laws, Rules, &c. directors empowered to make.
35. Carriages with a certain description of wheels, to pay one third toll, others to pass the gates free.
5. Commissioners appointed to receive subscriptions.
10. ----- Their duty, particularly as it respects the first election of directors.
22. ----- For laying out the road, governor to appoint.
23. ----- To cause a map of the road to be recorded.---24. Their compensation.---25. To take an oath.
53. ----- For examining the road to see that it is in good repair, how appointed.---55. Their compensation.
1. Company, names of the persons incorporated.
3. ----- Style and corporate rights.
49. Corporation, when to be dissolved.
- 49, 52. ----- When and for what cause to be dissolved.
27. Damages, and value of lands, how ascertained.
11. Directors, thirteen to be chosen.---14. Seven a quorum.
16. ----- Authorized to make bye-laws.
21. ----- To appoint officers, artists, &c.
30. Ditches, where it is practicable, to be so constructed as to admit the passage of sleighs.
44. Dividends to be made half yearly.---46. Annual account thereof to be exhibited to the comptroller.
12. Election to be by ballot.---13. Anniversary day of.---17. May be by proxy.
4. Estate, real and personal, for what purposes to be held.
- 45, 46. Expense of making road, account thereof to be lodged with the comptroller; and annually an account of dividends and disbursements.
31. Gates, when to be erected.---54. When to be kept open.
51. Interest, rate of, established at 14 per cent.
27. Lands taken for road, damages and value, how ascertained.
28. ----- On payment for, to vest in the company.
36. Mile-Stones and Guide-Posts, to be erected.
38. Penalties, for injuring mile-stones, guide-posts or road.

- 29, 40. Penalties, for forcibly passing a gate, or turning off the road to
 41. ----- On toll-gatherers for misconduct. [avoid it.
 15. President, how chosen---19. Pro tempore, may be appointed.
 2. Road, and where to commence---its course and termination.
 22. ----- Commissioners to lay out---23. And cause a map thereof
 to be recorded.
 26. ----- After track is designated, directors may enter upon.
 29. ----- Width thereof---how formed, and of what materials.
 31. ----- To be inspected and approved before gates are erected.
 53. ----- To be inspected from time to time.
 56. Roads, now used, whether public or private, not be obstructed.
 57. Schoharie Turnpike Road, shares apportioned for voting.
 7, 9. Shares, value of, and sum to be paid on subscribing.
 8, 47. --- Instalments on, directors authorized to require.
 18. ----- Apportioned for voting at election of directors.
 20. ----- May be extended to three thousand.
 42. ----- Declared to be personal property, and transferable.
 48. ----- In what case an additional sum may be required.
 6. Subscription Books ; form of entry therein.
 33. Toll, rates of.---37. Printed lists of, to be affixed on the gates.
 24. ----- On what occasions persons are excused from paying.
 35. ----- What carriages are to pay 1-3d toll, and what to pass free.
 32. Toll-Gatherers to be appointed.---41. Penalties on.
 58. Westchester Turnpike Company, authorized to receive additional
 subscriptions.
 59. ----- Directors of, authorized to make dividends but once a year.

*An ACT for establishing a Turnpike Corporation for improving
 and making a Road from Cherry-Valley, in the County of Otsego, to
 intersect the Seneca Turnpike Road, in the County of Onondaga,
 and for other Purposes.*

Passed April 4th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented
 in Senate and Assembly, That John Lincklaen, James 1
 Moore, Afabel Jackson, Samuel Clemons, Ebenezer Hale, Oli-
 ver Norton, Joseph Farewell, Daniel Rindge, John Pray, Rufus
 Leonard, Jacob Brewster, Lemuel Fitch, Nathaniel Farnham,
 Samuel Craft, Abner Cook, Luther Rich, Elijah Holt, Calvin Rich,
 Eleazer Tillotson, Calvin Cheeseman and Charles R. Webster, and
 all such others as shall associate for the purpose of making a good 2
 and sufficient road, running from the great western turnpike road
 in Cherry-Valley westerly between Young's and Weaver's lakes,
 in Warren, in the county of Herkimer ; thence westerly through
 the towns of Otsego, Richfield and Plainfield in the county of Ot-
 sego, and the towns of Bridgewater, Sangerfield, Hamilton, to the
 village of Cazenovia ; thence to intersect the Seneca turnpike
 road near Cob's tavern, in the town of Manlius, or through the
 towns of Pompey and Marcellus to intersect the said Seneca
 turnpike, at or near the outlet of the Skeneatelas lake, or at
 such other place as the nature of the ground will admit of, their
 successors and assigns, be and they are hereby created and made
 a body corporate and politic, by the name of the " President, 3

M

Directors and Company of the Third Great Western Turnpike Road Company," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name, they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use
4 of said corporation : *Provided*, That such estate as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.

5 II. *And be it further enacted*, That John Lincklaen, Aaron Morse, Charles D. Cooper, Abner Cook, Robert Wilson, Dorastus Hatch and Calvin Cheeseman, be, and they are hereby appointed to do and perform the several duties herein after mentioned, that is to say : They shall on or before the first day of July next, procure seven books, and in each of them enter as follows : We
6 whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay to the president, directors
7 and company of the third great western turnpike company, the sum of twenty-five dollars for every share of stock set opposite to
8 our respective names, in such manner and proportion, and at such time and place as shall be determined by said president, directors and company ; one of each books shall be left with each of the said commissioners at their respective places of abode, who shall immediately open the same, and keep the same
9 open for the purpose of receiving subscriptions, and every subscriber shall at the time of subscribing, pay unto either of the said commissioners three dollars for each share so subscribed
10 by him, and the said commissioners shall as soon as one thousand shares are subscribed cause an advertisement to be inserted in the public newspapers printed in Cooperstown and in Utica, and one of the newspapers printed in Albany, giving at least
11 twenty days notice of the time and place, when and where the same subscribers shall meet to choose thirteen directors, who shall be stockholders, for the purpose of managing the concerns
12 of the company for one year, and the said directors shall be chosen
13 by ballot by the stockholders then present, and the day of choosing said directors, shall for ever thereafter be the anniversary day
14 for choosing said directors ; and any seven of the directors shall be a quorum and capable of transacting the business of the said corporation, and every act of a majority of the directors so met,
15 shall be binding on the said corporation ; and the said directors, elected by a plurality of the stockholders present, shall immediately proceed to elect by ballot one of their number for president, and the said president and directors may meet from time to time,

at such places as they may find expedient and direct; and they shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they shall deem necessary for the well ordering the affairs of the said corporation: *Provided*, That at the election of directors the stockholders not present may vote by proxy for directors, and each stockholder shall be entitled to one vote for every share under the number of ten shares, and one additional vote for every ten shares he shall hold above the number of ten shares.

III. *And be it further enacted*, That in case of the death, absence or inability of the president, a quorum of the directors met may choose or appoint a president *pro tempore*, and shall and may proceed and transact the business of the said corporation, in like manner as if the president were present with them.

IV. *And be it further enacted*, That the president and directors may continue to receive subscriptions to the stock of the said corporation until there shall have been three thousand shares subscribed, and shall have power to appoint such officers, agents, clerks, artists, workmen and others under them, as shall be necessary for executing the business of said corporation.

V. *And be it further enacted*, That three commissioners not interested in the said turnpike so to be laid out, shall be nominated and appointed by the person administering the government of this state for the time being, and whose duty it shall be to lay out such road according to the best of their judgment and understanding, without favour or partiality, in such manner that the object of the corporation and the general interest of the public shall be in the best manner effected, and whose duty it shall be also to deposit and cause to be recorded in the office of the clerk of each of the counties through which such road shall pass an accurate map of the survey of the same, designating the several particular points through which it shall pass; which commissioners for their services as aforesaid shall be allowed at the rate of three dollars per day, to be paid, together with the expense of surveying and recording said map, by the corporation, and may enter into and upon any land where they shall deem it proper to construct the said road, and to lay out and survey such tracks or routes as shall be thought most practicable for making a good and sufficient road between the places aforesaid.

VI. *And be it further enacted*, That before either of the said commissioners shall enter on the duties of their office they shall take and subscribe an oath or affirmation, well and truly to perform the duties by this act enjoined, before a justice of the peace or other proper authority.

VII. *And be it further enacted*, That it shall and may be lawful for the said president and directors, after the track of the said road shall have been designated as aforesaid, to enter upon and take possession of such quantity of improved or unimproved land within the track of said road as shall be necessary for making the

- 27 said road, the said president, directors and company paying to the owners of the land such value and damages as shall be agreed upon, or in case of disagreement, as shall be assessed by two justices of the peace, and by the oaths of six respectable and disinterested freeholders, who shall be summoned by a constable of the county in which such land may be by virtue of a warrant to be issued by
- 28 the said justices for that purpose, the right and title to which said lands so entered upon and paid for as aforesaid shall thereafter be vested in the said president, directors and company.
- 29 VIII. *And be it further enacted*, That the said president, directors and company shall cause a road to be laid out not less than six rods wide, and which shall be thirty-three feet between the ditches, whereof twenty-eight feet shall be bedded with wood, stone, gravel, or some other hard substance, well compacted together, a sufficient depth to secure a good and solid foundation to the same ; and the said road shall be faced with gravel or stone pounded, or other hard substance, in such manner as to secure as near as the substance will admit of an even and firm surface, rising towards the middle by a gradual arch ; and they shall, during the continuance of this act, maintain and keep the said road
- 30 in good repair, and where it may be practicable, the ditches shall by so constructed as to admit sleighs to go in them with safety.
- 31 IX. *And be it further enacted*, That as soon as the president, directors and company shall have completed ten miles of the said road, it shall be lawful for the said president and directors to give notice to the governor of this state for the time being, who shall thereupon forthwith nominate and appoint three commissioners to view the same, and report to him in writing whether such part of said road is completed in a workmanlike manner, according to the true intent and meaning of this act ; and if the report shall be in the affirmative, then it shall be the duty of the governor to whom they report, and he is hereby required, by licence under his hand and the privy seal of this state, to permit the said president and directors to erect and fix one gate and turnpike upon and across said road, and to collect the duties and tolls herein after granted to the said corporation, from all persons travelling on or using the same.
- 32 X. *And be it further enacted*, That as soon as the said road shall be completed, and permission so as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road at either of the said gates, the tolls and duties
- 33 herein after mentioned, and no more, that is to say : For every score of sheep or hogs, five cents ; for every score of cattle, horses or mules, twelve and an half cents ; for every horse and rider, led or driven horse, four cents ; for every sulkey, chair or chaise, with one horse, twelve and an half cents ; for ever cart drawn by one horse, four cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage waggon or other four wheel-

ed carriage drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox ; for every cart drawn by two horses, mules or oxen, six cents, for every additional horse, mule or ox, two cents ; for every sleigh or sled drawn by two horses, oxen or mules, six cents, and in like proportion for a greater or lesser number of horses, oxen or mules ; and it shall be lawful for any of the toll-gatherers to stop and detain any person or persons, riding, leading or driving any horse or horses, cattle, mules, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure from passing through the turnpike gate or gates until they shall respectively have paid the toll as above specified : *Provided,* 34 That nothing in this act shall be construed to entitle the said corporation to demand toll of or from any person passing to or from public worship, his farm, a funeral, or to or from any mill or mills, or to or from any blacksmith's shop within three miles, to which he usually resorts, or for a physician : *And provided always,* That 35 not more than one third of the above mentioned toll shall be demanded or received for any waggon or other carriage passing upon the said road, the felloes or track of the wheel whereof are of the width of nine inches, and that all waggons or other carriages, the felloes or tracks of the wheel whereof are of the width of twelve inches, shall be allowed to pass upon the said road free of any toll, any thing in this act to the contrary notwithstanding.

XI. *And be it further enacted,* That the said corporation shall cause 36 mile-stones to be erected, one for each mile of said road, and on each stone shall be fairly and legibly inscribed or marked the distance the said stone is from the city of Albany, and shall also erect guide-posts at the intersection of all public roads leading into or from the said turnpike, on which shall be inscribed the name of the town in which such post stands, and also the name of the town or towns to which such intersecting road leads in the direction to which the hand on the same points, and the said corporation shall cause to be affixed at or over each gate or turnpike, a printed list of the rates of toll which may be lawfully demanded. 37

XII. *And be it further enacted,* That if any person or persons 38 shall break or throw down, deface or injure any of the mile-stones or guide-posts so to be erected, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall forcibly pass 39 any or either of said gates, without having previously paid the legal toll, such person or persons shall for every such offence or injury forfeit and pay a fine of ten dollars, to be recovered by the treasurer of said corporation, to their use, in an action of debt, with costs of suit, in any court having cognizance of the same ; and if any person or persons shall, with his team or teams, carriage or horse, turn out of the said road to pass any or either of the gates on ground adjacent thereto, and again enter on said road, having passed the said gate or gates to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in like 40

manner by the treasurer of the corporation, to their use, with costs of suit.

- 41 XIII. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand and receive more toll than is by this act established, he shall for every such offence forfeit and pay twenty dollars, to be recovered for the use of the person so unreasonably hindered or detained, with costs of suit.
- 42 XIV. *And be it further enacted*, That the shares in the said turnpike road shall be deemed and considered to be personal estate; and be transferable in such manner as the said president and directors may direct.
- 43 XV. *And be it further enacted*, That the president and directors of the said corporation, shall keep a just and fair account of all the monies received or to be received by the several collectors of
- 44 toll on said road; and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among the stockholders of the said corporation on the first Tuesday of January and July in every year, and shall publish the half yearly dividend of the clear profits to be made among the stockholders and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.
- 45 XVI. *And be it further enacted*, That the said president and directors, shall within six months after the said road shall be completed, lodge in the comptroller's office of this state, an account
- 46 of the expenses thereof; and the corporation shall annually exhibit to the comptroller a true account of the dividend arising from said toll, with the annual disbursements.
- 47 XVII. *And be it further enacted*, That it shall and may be lawful for the said president and directors to call and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all the previous payments thereon to the said president, directors and company.
- 48 XVIII. *And be it further enacted*, That after the amount of the said number of three thousand shares, mentioned in and by the second section of this act, shall have been appropriated by the said president, directors and company, for the purpose of making a good and sufficient road between the places aforesaid, and the sum so appropriated shall be found insufficient to effect the purposes aforesaid, it shall and may be lawful for the said president and directors, in order to complete the said road, to increase or raise the funds of said company, by adding a sum not exceeding two dollars to each and every share in the whole stock; which sum so to be added shall be in equal rates upon each and every share, to be collected and paid in manner aforesaid, subject on default of payment, to the pains and forfeitures aforesaid.
- 49 XIX. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from the toll

shall have fully paid and compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of the said road, together with an interest thereon of fourteen per cent per annum, and thereupon the right, interest and property of the said corporation in the road aforesaid shall be vested in the people of this state, and be and remain at their disposal. *Provided*, That if the said corporation shall not commence their operations within two years after the passing of this act, and shall not within five years afterwards complete the same according to the true intent and meaning thereof, then and in either case this act shall cease, and be void and of no effect.

XX. *And be it further enacted*, That five disinterested freeholders shall be appointed by the governor and council of appointment whose duty it shall be separately to examine the said road, from time to time, in their respective districts of the said road, and whenever they shall find the same out of repair, to order the toll-gate on such part of said road to be kept open until it shall in their opinion be well and sufficiently amended and repaired; and that the said commissioners shall have and receive as a compensation for their services respectively, the sum of three dollars for each day they shall be necessarily engaged in viewing and inspecting said road: *Provided*, Such viewing and inspection do not exceed two days in any one month of the year: which said compensation shall be paid to such commissioners by the said president, directors and company.

XXI. *And be it further enacted*, That nothing in this act contained, shall authorize the said president, directors and company, to stop or obstruct any road or roads now used as a public or private road through any town or towns, by setting up or erecting any gate or gates on such part of the said road as shall be made on any road so used in any town or towns aforesaid, through which said turnpike road shall be laid.

XXII. *And be it further enacted*, That each stockholder in the company of the Schoharie turnpike road, shall be entitled to one vote for each share of stock held by him not exceeding fifteen shares, and to one vote for every three shares beyond that number.

XXIII. *And be it further enacted*, That it shall be lawful for the president, directors and company of the Westchester turnpike road to receive additional subscriptions to the stock of the said company, until the whole number of shares, including those already subscribed, shall amount to five hundred, in order that they may be enabled to complete the road directed to be improved by the act, entitled "An Act to establish a Turnpike Corporation for improving the Road from Eastchester to Byram," and that it shall not be necessary hereafter for the said president and directors last mentioned, to make and declare dividends oftener than once in each year, which dividends shall be made on the second Tuesday in July in each year.

CHENANGO TURNPIKE.

C H A P. LXXXV.

C O N T E N T S.

19. This Act, and the one to which it is supplementary, declared public acts.
16. Bridge over the Susquehannah, when a gate to be erected thereon, and toll exacted.
17. ----- One to be made and kept in repair over the Chenango, toll free.
18. ----- All the bridges to be so built as not to obstruct the passage of boats, &c.
1. Chenango Turnpike Corporation, authorized to open and improve another road.
10. ----- Their powers, privileges, and restrictions by this act.
11. Commissioners, for examining the road, and determining when the same is in good repair, how appointed.
4. Ditches, how to be made.
- 3, 7. Gates, when to be erected, and toll exacted.---5, 8. Where to stand.
12. ----- For what causes to be kept open.
2. Road, where to commence and end.
- 6, 9, 14, 15, Toll, rates of, regulated.

An ACT supplementary to an Act, entitled, " An Act to establish a Turnpike Corporation, for opening and improving a certain Road therein described, within the Counties of Oneida and Chenango," passed the 30th day of March, 1801.

Passed April 4th, 1803.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the President, Directors and Company of the Chenango Turnpike Road, may within five years after the passing of this act, lay out, open and improve, by the nearest and most direct route, as nearly as circumstances will admit, a good and sufficient road, from the dwelling-house of Benjamin Wilson, in the town of Oxford, in the county of Chenango, to the easterly bank of the Susquehannah river, at Wattles' ferry, in the town of Sidney, in the county of Delaware; and when ten miles thereof shall be completed, in such manner as is prescribed in and by the act to which this is supplementary,
- 4 except as to the ditches on each side of said road, which shall be sufficiently wide, and of a smooth and even surface so as to admit the passage of sleighs, the person administering the government of this state may, in the manner prescribed in and by said act, appoint commissioners to inspect said road; and on their report, conformable to said act, to permit the said president, directors and
- 5 company to erect one gate and turnpike at any place not less than two nor more than four miles from the house of said Benjamin
- 6 Wilson, and to demand and receive the same rates of toll as are allowed at any gate and turnpike in and by the said act to which this act is supplementary.

II. *And be it further enacted,* That when the residue of said 7
road to the westerly bank of said Susquehannah river, shall be
completed and inspected in manner aforesaid, the person admin-
istering the government of this state may, in like manner, permit
the said president, directors and company to erect another gate
and turnpike, on or near the bridge to be built across the Unadilla 8
river, and to demand and receive the same rates of toll be- 9
fore mentioned.

III. *And be it further enacted,* That the said president, direc- 10
tors and company shall have the like powers and privileges and
be subject to the same duties, regulations and restrictions rela-
tive to said road, gates and turnpikes, as are granted, directed
and prescribed in and by said act to which this act is a supple-
ment.

IV. *And be it further enacted,* That three disinterested persons 11
shall be appointed by the person administering the government
of this state, by and with the advice and consent of the council of
appointment, whose duty it shall be from time to time to exam-
ine said road by this act directed to be laid out, opened and im-
proved; and whenever they or a majority of them shall find the 12
same or any part thereof out of repair, to order the toll-gate on
such part of said road to be kept open until it shall in their opin-
ion be well and sufficiently amended and repaired.

V. *And be it further enacted,* That the said president, directors 13
and company may within the term of five years aforesaid, they
having first built a good, sufficient and substantial bridge across
the said Susquehannah river at Wattles' ferry aforesaid, apply to
the commissioners last to be appointed in and by this act to in-
spect said bridge, and on their reporting that the same is built
and completed in a workmanlike manner, and is a good and suf-
ficient bridge, suitable for the safe and commodious passage of
travellers and carriages, the person administering the govern-
ment of this state may permit the said president, directors and
company to erect a gate at or near said bridge, and to demand 14
and receive the same rates of toll as are authorized at any of the
gates aforesaid, with all the powers and privileges and subject to
all the duties, regulations and restrictions that appertain to said
road, and to any of the gates and turnpikes aforesaid.

VI. *And be it further enacted,* That the said president, direc- 15
tors and company, may demand and receive of and from every
foot passenger or traveller on foot, the sum of two cents for cross-
ing the said bridge, across the said Susquehannah river, and the
same for crossing the said bridge across the Unadilla river, and
shall have the same powers of collection as are allowed and direct-
ed in other cases in and by this act.

VII. *And be it further enacted,* That the said president, direc- 16
tors and company, may immediately after the passing of this act,
or before the expiration of five years as aforesaid, receive sub-
scriptions for a sufficient number of shares to make said bridges

and road, not exceeding the number of two thousand shares at twenty dollars each.

- 17 VIII. *And be it further enacted*, That the said president, directors and company aforesaid, shall at all times maintain and support a good and sufficient bridge over the Chenango river, near the house of the said Benjamin Wilson, in Oxford, free of all expense to the public.
- 18 IX. *And be it further enacted*, That none of the bridges to be erected as aforesaid, shall be so built as in any way to injure or obstruct the passage of boats, arks or rafts.
- 19 X. *And be it further enacted*, That this act and the act to which this act is supplementary, shall be and the same are hereby declared to be public acts.

Public Roads.

C H A P. LIX.

C O N T E N T S .

28. Bridge, 1500 dollars appropriated for building one over the west branch of the North river.
- 10, 12, 14, 25. } Four sets of, for laying out and improving certain Commissioners, } roads, how appointed.---11, 13, 15, 26. Their duty.
19. ----- To draw monies from the treasury on comptroller's warrant.
- 20, 26.----- To account with the comptroller.---21, 26. To give bonds.
23. ----- Vacancies among, how filled.---24. Two a quorum.
27. ----- Treasurer to pay one set of, 10,000 dollars---if advanced by individuals, to be reimbursed.
28. ----- For building a bridge, named.---29. To give security and account as the other commissioners.
30. ----- Their compensation.
22. Bonds of, to be filed with the comptroller.
16. Damages sustained by laying the road through improved lands on one of the routes, how assessed.
5. Expenses, account of, to be audited by the comptroller.
18. Loans for making road, to be refunded out of the avails of the lottery.
1. Lottery, 41,000 dollars to be raised by.
9. ----- To be drawn without delay after the sale of the tickets.
6. Managers of lottery, may adopt such schemes as they may think proper.
2. ----- Named for drawing and superintending lottery.
3. ----- To give bonds for the faithful discharge of duties.
4. ----- To deposit monies in the New-York bank.
5. ----- To pay the whole avails of the lottery when drawn, into the Treasury.
28. ----- To pay 1,500 dollars to Michael Overacker and others, commissioners, to build a bridge over the west branch of the North river.
17. Roads, money raised, to be divided between, in proportion to their length.---11, 13, 15, 26. Different routes thereof.
7. Tickets, managers may sell in any part of the state.
8. ----- May not be sold till after 1st May, 1806.

An ACT for opening and improving certain Great Roads in this State.

Passed March 26th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That for the purpose of opening and improving the roads herein after mentioned, the managers herein after named, shall cause to be raised by lottery, forty-one thousand five hundred dollars.

II. *And be it further enacted,* That Philip Ten Eyck, Thomas Storm, William Henderfon, Mathias B. Tallmadge and Jacobus Van Schoonhoven, or the survivors or survivor of them, be and they are hereby appointed managers for drawing, managing and superintending the said lottery, which shall be drawn in the city of New-York.

III. *And be it further enacted,* That each of the managers of the said lottery, shall before they enter upon the execution of the duties of their office, enter into a bond to the people of this state, with such sureties as the comptroller shall approve of, in the sum of ten thousand dollars, conditioned for the faithful and honest discharge of the duties required of them by this act, and for rendering a just account of all their proceedings at the next session of the legislature after the drawing of the said lottery.

IV. *And be it further enacted,* That the managers aforesaid, shall from time to time, and as often as they shall receive the sum of three thousand dollars for the sale of tickets, deposit the same in the bank of New-York for safe keeping; and that as soon as the lottery shall be drawn, the managers after deducting therefrom their reasonable expenses for drawing and conducting the same, to be audited and allowed by the comptroller, shall pay the avails into the treasury of this state.

V. *And be it further enacted,* That the managers aforesaid, or a majority of them, shall have full power to adopt such schemes, or to manage the said lottery in such manner as to them may be thought proper; and may sell or cause to be sold the tickets in any part of this state; but the said managers shall not proceed to sell the tickets of the said lottery, until after the first day of May, in the year one thousand eight hundred and six; and that the lottery shall be drawn without delay after the sale of the tickets.

VI. *And be it further enacted,* That it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint three or more commissioners to open and improve the road, as laid out by Peter Colt and Nathan Sage, from Rome to Brownville, on the Black river; and that the said commissioners, so appointed, shall extend the said road from Brownville to the St. Lawrence river, so as to have the best ground for a road, and the most convenient ferry across the said water to Kingstown, in the province of Upper Canada.

VII. *And be it further enacted,* That it shall be lawful for the

- person administering the government of this state, by and with
13 the advice and consent of the council of appointment, to appoint three or more commissioners to lay out and improve a road, from within two miles of Preston's tavern, in the town of Steuben; thence to within three miles of the high falls of Black river; thence through the towns of Turin, Lowville, Champion, Rutland, Watertown and Brownville, so as to intersect the aforesaid road, between the Black river and the south bounds of great number four of McComb's purchase.
- 14 VIII. *And be it further enacted*, That it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint one
15 or more, not exceeding three commissioners, to lay out a road from within two miles of Preston's tavern, in the town of Steuben as aforesaid, to Johnstown, or as near Johnstown as the nature of the ground and the general interest of the Black river country require; and that when this part of the road shall have been so laid out, the commissioners for laying out, opening and improving the road through the Black river country generally, shall open and improve it.
- 16 IX. *And be it further enacted*, That if any part of the said road to the Mohawk river, as aforesaid, shall be laid through inclosed or improved lands, the owner thereof shall be paid such damages as may be sustained by reason thereof, which damages shall be determined and assessed in the manner prescribed in like cases in and by the fifteenth section of an act, entitled "An Act to regulate highways," passed the eighth of April, one thousand eight hundred and one.
- 17 X. *And be it further enacted*, That the money ordered to be raised by this act shall be equally divided between the roads aforesaid, in proportion to their length: But if any person or persons think proper to advance money towards making any part of the said roads, it shall be optional with him or them on which of the roads it shall be expended.
- 18 XI. *And be it further enacted*, That it shall be lawful for any person or persons to pay into the treasury of this state any sum or sums of money he may choose to advance for opening either of the said roads, which money so advanced shall be repaid him or them by the treasurer, on the warrant of the comptroller, with the interest, out of the avails of the said lottery, paid into the treasury as aforesaid.
- 19 XII. *And be it further enacted*, That it shall and may be lawful for the said commissioners from time to time to receive from the treasury, by warrant from the comptroller, any sum or sums of money which may be so advanced on loan as aforesaid, for opening and improving either of the said roads, and to receive from the treasurer, on the warrant of the comptroller, the avails of the said lottery, deducting the monies, with the interest, which may have been paid into the treasury on loan for opening either of the said roads as aforesaid.

XIII. *And be it further enacted,* That it shall be the duty of the 20 said commissioners to account with the comptroller for the expenditures in opening and improving the said roads.

XIV. *And be it further enacted,* That each of the said commiss- 21 sioners, before he enters on the execution of his trust, shall enter into a bond to the people of this state, with such sureties as the comptroller of this state, for the time being, shall approve of, in a sum equal to the whole sum appropriated to the road or roads, to be by him and his colleagues opened and improved, conditioned for the faithful application of the monies to be raised as aforesaid, and which shall be entrusted to him or them according to the directions of this act; which bond, when executed, shall be deposited 22 in the office of the comptroller of this state, and in case the said bonds or any of them shall become forfeited, the monies to be recovered thereon shall be applied to the use of the road, the improvement whereof the defaulting commissioner or commissioners superintended.

XV. *And be it further enacted,* That in case of the death, refusal 23 al to act, or resignation of any person or persons who are appointed by this act to be a commissioner or commissioners, it shall and may be lawful for the person administering the government of this state, to supply every such vacancy, by the appointment of such person to fill the same, as he in his discretion shall deem meet and proper.

XVI. *And be it further enacted,* That two commissioners on each, 24 road, shall be deemed a quorum, who may transact all business incident to the trust reposed in them by this act.

XVII. *And be it further enacted,* That it shall be lawful for the 25 person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint three or more commissioners to lay out and improve a road 26 through the northern towns in the county of Washington, into and through the counties of Essex and Clinton, until it intersects the line of forty-five degrees of north latitude, in the town of Champlain; and that the commissioners so to be appointed shall give the like security, and be accountable for the expenditure of the monies aforesaid, in the same manner as the other road commissioners named in this act.

XVIII. *And be it further enacted,* That the treasurer of this 27 state, on the warrant of the comptroller, shall pay out of the avails of said lottery, to the commissioners to be appointed for improving the road last mentioned, the sum of ten thousand dollars; but if any person or persons shall advance to the said commissioners any sum or sums of money for opening and improving the said road, then, and in that case, the person or persons making such advance, on producing to the treasurer a certificate of the sum paid, under the hands of the commissioners, shall be entitled to receive from the treasurer the amount thereof, out of the avails of said lottery; and the sum so received shall be considered as part of the said ten

thousand dollars directed to be paid to the said commissioners by this act.

- 28 XIX. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay out of the avails of said lottery to Michael Overacker, Alexander St. John, and Abraham Van Arnum, of Northampton, in the county of Montgomery, the sum of fifteen hundred dollars, for building a bridge over the west branch of the North river, at or near the place where Tiffany Nittleton now lives; and the said Michael Overacker, Alexander St. John and Abraham Van Arnum, are hereby appointed
29 commissioners for that purpose, and shall give security in like manner as is directed to be given by the said road commissioners.
30 XX. *And be it further enacted*, That each of the commissioners to be appointed as aforesaid, shall be entitled to retain, out of the monies which may come to his or their hands, the sum of two dollars and fifty cents for every day employed in performing the duties prescribed by this act, according to such account as they shall produce to be audited by the comptroller.

C H A P. LXXXII.

C O N T E N T S.

1. Commissioners to lay out and open a road from Albany to Fort's ferry, how appointed.
2. ----- To lay out and open a road from Fort's ferry to Ballstown Springs, how appointed.
3. ----- Not to proceed on their duties until 3000 dollars shall be subscribed for opening road.
8. ----- To account with the comptroller.
9. ----- To give bond to the people of this state.
4. Damages sustained by the road going thro improved lands, to be paid.
5. ----- How ascertained.
6. Road, when completed, description of the route to be entered in the town clerk's offices.
7. ----- How kept in repair.

An ACT to straighten the Public Highway leading from the City of Albany to the Ballstown Springs.

Passed April 4th, 1803.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint three commissioners whose duty it shall be to lay out and open a public highway, in the most direct and convenient route from the city of
2 Albany to Fort's ferry, at Nestiguna, on the Mohawk river: And also to appoint three commissioners, whose duty it shall be to lay out and open a public highway from Fort's ferry aforesaid, in the most direct and convenient route to Ballstown Springs, in the county of Saratoga.

II. *And be it further enacted*, That when and as soon as the 3
persons interested in the said roads, shall by voluntary subscrip-
tion, subscribe the sum of three thousand dollars, towards defray-
ing the expense of laying out, opening and working the said
roads, then it shall be lawful for the commissioners to be appoint-
ed in pursuance of this act, to proceed on the duties hereby en-
joined on them, and not before.

III. *And be it further enacted*, That when the said highway 4
shall be laid out on any improved or enclosed lands, the said
commissioners shall pay to the owner or occupant of such lands,
his her or their just damages occasioned thereby ; and in case of 5
disagreement as to the amount of such damages, the same shall be
ascertained agreeably to the directions of the act, entitled " An
act to regulate highways."

IV. *And be it further enacted*, That when the said commission- 6
ers shall have laid out, opened and properly worked and completed
the said highway, a copy of the route shall be entered of record
in the town clerk's office, in each of the towns through which
the said highway shall pass ; and the said highway shall for ever 7
thereafter be kept in repair agreeably to the directions of the act,
entitled " An act to regulate highways."

V. *And be it further enacted*, That the said commissioners shall 8
account with the comptroller for the money they may receive
and expend by virtue of this act.

VI. *And be it further enacted*, That the commissioners so to be 9
appointed, shall before they enter on the duties enjoined on them
by this act, give bond to the people of this state, with such sure-
ties as the comptroller shall approve, in the penal sum of five
thousand dollars, conditioned for the faithful performance of such
duties.

C H A P. CVII.

C O N T E N T S.

1. Commissioners for laying out the road, appointed.
4. ----- Their compensation.---7, 8. Their bills, how audited and paid.
5. ----- Authorized to engage a surveyor.
11. ----- When to proceed to execute their duties.
10. ----- Of highways, their duty with respect to this road.
9. Land, improved, damages sustained by the road running through, how assessed and paid.
2. Road, where to commence and general route thereof.
3. ----- To be laid out on actual survey, and return of survey to be entered of record.
6. Surveyor, his compensation including chain bearers.
7. ----- His bills, how audited and paid.

An ACT relative to the Road leading from the City of Albany to the Orange Turnpike.

Paſſed April 6th, 1803.

WHEREAS an act of the legiſlature of this ſtate, paſſed 30th March, 1802, authorized the appointment of commissioners to examine and explore the country, on the route of the road leading from the city of Albany to the Orange turnpike, at or near the houſe of Moſes Cunningham, whoſe duty it was made (amongſt other things) by the ſaid act, after they had examined and explored ſaid route, to report to the legiſlature, at their then next meeting, what alteration in their opinion would be neceſſary in the road aforeſaid, and the probable expenſes that might be conſequent on ſuch alteration, and alſo to designate by particular marks and deſcriptions where the ſaid road does or ought to croſs the boundary lines of the reſpective towns through which it might paſs ; and alſo ſuch other matters and things as they might deem neceſſary for the information of the legiſlature in the premiſes : *And whereas*, The commissioners appointed by ſaid act, have by virtue of the authority therein given, made report to the legiſlature at this ſeſſion of what they have done in the premiſes, as by their report will appear : *And whereas*, It appears to the legiſlature, that great public advantage would be received by having ſaid road laid out and opened with all convenient ſpeed, and that the ſame cannot be done without having commissioners appointed, for the purpoſe of laying out the ſame road through the whole extent thereof : Therefore,

- 1 . *I. Be it enacted by the People of the State of New-York, repreſented in Senate and Aſſembly*, That Charles Selden, Benjamin Smith, and Albert Pawling, be and hereby are appointed commissioners with full power and authority to lay out ſaid road ;
- 2 beginning at the ſouth bounds of the city of Albany, and from thence on the route which to them ſhall appear moſt for the public intereſt, to the toll-bridge at Catſkill landing : thence following the commissioners route agreeable to their report aforeſaid, to Kingſton, with liberty to alter the ſame where in their opinion it ſhall be for the public good ; thence along the ſame route as nearly as may be to Springtown at or near the dwelling-houſe of Doctör Peters ; thence on as ſtraight and direct a route as the nature of the ground will admit for a good road to the bridge over the Shawangunk kill, near the houſe of Selah Tuthell ; thence along the road which is known by the name of the Iriſh road, ſtraightening the ſame where in their opinion it ſhall be neceſſary, to the place where the ſaid road turns ſhort to Windfield's bridge, near the dwelling-houſe of James Kain, Eſquire ; then to leave the ſaid Iriſh road, and purſue what in their opinion ſhall be the beſt route of a good road to Ward's bridge ; thence along the main road to the village of Goſhen, ſtraightening the ſame where they ſhall think it neceſſary ; thence to Cheſter in like manner ; and from thence on what in their opinion ſhall

be the best and most convenient route to the Orange turnpike
afore said ; which road is to be laid out by said commissioners on
actual survey, and to be entered of record in the secretary's office
of this state. 3

II. *And be it further enacted*, That the said commissioners shall
each be allowed the sum of three dollars and fifty cents for every
day they shall or may be employed in the service afore said, in-
cluding all expenses : *And further*, The said commissioners shall
have power and authority by this act, to agree with a survey-
or to survey said road ; and that the said surveyor, including his
chain bearers, shall be allowed at and after the rate of six dollars
and fifty cents for each day he shall be employed in surveying
said road, including all expenses ; and that the bills of the said
commissioners and surveyor afore said, respectively, shall be audit-
ed by the supervisors of each county, into or through which said
road shall be laid. 4 5 6 7

III. *And be it further enacted*, That the commissioners afore-
said, shall be allowed three and half dollars each, including ex-
penses for every day they shall or may be employed in the service
afore said, to be paid in manner following, to wit : They shall
make and subscribe with their proper names and hand writing,
an account of their services afore said, and present one copy there-
of to the supervisors of the county of Albany, one other copy
thereof to the supervisors of the county of Greene, one other copy
to the supervisors of the county of Ulster, and one other copy
thereof to the supervisors of the county of Orange, who shall at
their respective annual meeting in October, audit the same, and
direct one fourth part thereof to be assessed, collected and paid as
part of the contingent expenses of the several counties to which
they respectively belong. 8

IV. *And be it further enacted*, That if said road so laid out by
said commissioners as afore said, shall be laid through any enclosed
or improved lands, the owner or owners shall be paid his or their
damages and have the same assessed and determined in like man-
ner as the owner or owners of enclosed or improved lands through
which public highways are laid, are directed to be paid, assessed
and determined, by the fifteenth section of the act, entitled " An
act to regulate highways," passed the 8th April, 1801. 9

V. *And be it further enacted*, That the commissioners of high-
ways, in the towns through which said road shall be laid out by
the commissioners appointed by this act, are hereby authorized and
directed, without delay, to open the said road in their several
towns in like manner as if the same had been laid out by the said
town commissioners respectively. 10

VI. *And be it further enacted*, That the commissioners appoint-
ed by this act, shall meet at Albany on the first Monday of June
next, and immediately thereafter proceed to execute the duties
assigned to them by this act. 11

Certain Waters of Chenango River declared Public Highways.

C H A P. CII.

C O N T E N T S.

1. Chenango river, a part of the east branch thereof, } declared
2. ----- A part of the west branch thereof, and } public
6. ----- A part of the Oesclie or middle branch of } highways.
4. Penalties on persons obstructing the waters here declared public highways.---5. Proviso relative to.

An ACT declaring certain Waters in the Counties of Onondaga, Tioga and Chenango, to be Public Highways.

Passed April 6th, 1803.

- 1 **I.** **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the east or main branch of Chenango river, from the mills of Daniel and Elisha Wheeler, in the town of Hamilton, to its junction with the Tioughnioga river, and all that part of said east branch from the south line of Thomas Hart's land to the forks of said river in the
- 2 town of Sherburn; and that part of the west branch of the Chenango river, from the forks near the north line of lot number forty-seven, in the town of Fabius, to the north bounds of the township of
- 3 Virgil; and that part of the Oesclie, or middle branch of the Chenango river, from the bridge on lot number nineteen, in the township of Cincinnatus, to its junction with the west branch thereof, be and they are hereby declared to be public highways.
- 4 **II.** *And be it further enacted,* That if any person shall, after passing of this act, dam up or obstruct the navigation of the before described waters by erecting or building any mill or wier, or by the building or erecting thereon any other works, or by cutting or falling wood or timber in the same, every person so offending shall forfeit for each offence a sum not exceeding twenty-five dollars, to be recovered with costs of suit, by and for the use of any person who will sue for the same, before any justice of the peace in the county wherein such offence shall be committed; and the person or persons so offending shall moreover be deemed guilty of a misdemeanor, and be prosecuted accordingly by indictment:
- 5 *Provided nevertheless,* That if any person or persons who have heretofore erected, or shall hereafter erect a dam across either of the aforesaid streams for the use of any mill or other works, if such person or persons shall cut a sufficient canal through such dam, or shall so construct the same as not materially to injure the navigation of said stream, then such person or persons who have erected or shall hereafter erect a dam or other work on such stream, shall not be liable to the penalties contained in this act.

C H A P. LX.

C O N T E N T S.

1. Highways, that part of the act regulating, which relates to a part of the Nine-Mile creek, repealed.
2. Paul Reeves and Jonah Howell authorized to erect a dam, on certain conditions, over Mud creek.
3. ----- Penalty on, for unreasonably hindering the passage of boats:

An ACT to repeal so much of the Act, entitled "An Act to regulate Highways," as relates to a Part of the Nine-Mile Creek, in the County of Onondaga, and for other Purposes.

Passed March 26th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the act, entitled, "An act to regulate highways," passed April 8th, 1801, which relates to the whole of that certain stream of water called the Nine-Mile creek, in the county of Onondaga, so far as respects the said stream, above the foot of the lower falls thereof, shall be and hereby is repealed. 1

II. *And be it further enacted,* That it shall be lawful for Paul Reeves and Jonah Howell, of the town of Palmyra, in the county of Ontario, to erect a dam across Mud creek, in the town of So-dus, in said county, for the purpose of supplying a mill with water : but that the navigation of said creek be not impeded by the dam hereby allowed to be erected, it shall be the duty of the said Paul Reeves and Jonah Howell, their heirs and assigns, to make or cause to be made on said dam, so allowed, a sufficient lock or canal to permit the passing of boats or rafts not less than twelve feet in width and seventy feet in length, which all persons shall have the liberty of passing at all times free of expense ; and it shall also be the duty of the said Paul Reeves and Jonah Howell, their heirs and assigns, to keep the said lock or canal in good repair as long as the said dam is continued across the said creek : *Provided however,* That the dam hereby allowed to be erected shall not be so constructed as to prevent fish from passing the same, or to raise the water of said creek on any lands not owned by the said Paul Reeves and Jonah Howell, their heirs or assigns. 2

III. *And be it further enacted,* That if the said Paul Reeves and Jonah Howell, their heirs or assigns, shall unreasonably delay or hinder any person or persons with a raft or rafts, boat or boats, from passing said lock or canal, he or they shall for every such offence, forfeit and pay the sum of two dollars for every hour's detention, to be recovered with costs, before any justice of the peace of the county of Ontario, for the sole use of the person or persons so unreasonably detained. 3

Free Bridge over Esopus Creek.

C H A P. VI.

C O N T E N T S.

3. Committee, appointed by the inhabitants of Kingston, their duty.
1. Supervisors, to order a certain sum of money to be raised in the town of Kingston.
2. Treasurer thereof, his duty.

An ACT to enable the Supervisors of the County of Ulster, to raise a Sum of Money for the Purposes therein mentioned.

Passed February 12th, 1803.

1. **I.** *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the supervisors of the county of Ulster, at their next annual meeting, to order the sum of fourteen hundred and sixty-seven dollars and four cents, to be assessed, levied and collected, from the inhabitants of the town of Kingston, in said county, in the same manner as is directed in and by the act, entitled "An act for defraying the public and necessary charges in the respective counties of this state," passed 8th April, 1801.
2. **II.** *And be it further enacted,* That the treasurer of the said county, is hereby authorized to pay the said sum of money to Moses Yeomans, Peter Marius Groen, Benjamin Bogardus, Oke Suydam, and Abraham Houghtaling, or the survivor or survivors of them, a committee appointed by the freeholders and inhabitants of the said town of Kingston, to contract with the president, directors and company of the Ulster and Delaware turnpike road, according to the ninth section of the act, entitled "An Act to establish a turnpike corporation for improving and making a road from the west line of the town of Salisbury, in the state of Connecticut, to the Susquehannah river, at or near the town of Jericho," to make the bridge over the Esopus creek, near the town of Kingston aforesaid, a free bridge.
3. **III.** *And be it further enacted,* That the said Moses Yeomans, Peter Marius Groen, Benjamin Bogardus, Oke Suydam and Abraham Houghtaling, shall account to the supervisors of the said county, at their annual meeting in the year one thousand eight hundred and four, in what manner the money directed by this act to be paid to them has been expended, and shall pay the balance if any shall remain in their hands, to the treasurer of the said county, after deducting all the necessary charges and expenses of the said committee, for the use of the inhabitants of said town of Kingston.

Navigation.

C H A P. LXVIII.

CONTENTS.

- 10, 11, 15. } Commissioners to enter into.---12, 16. To be filed in the
Bonds, } comptroller's office.
4. Commissioners for improving the navigation from Troy to Lansingburgh, named.
6. ----- For improving ditto from Lansingburgh to Waterford.
13. ----- For improving the navigation from the city of Albany to Nicoll's creek, named.---9, 17, 25. To account with the comptroller.
21. Council of Appointment, to appoint commissioners for improving the port of Sag-Harbour.---22. And a person to receive the profits arising from the improvement.
23. Lands for docking, &c. at Sag-Harbour, to be released to the people of this state.
- 1, 2. Managers of the Literary Lottery, to raise additional sums by the 3d and 4th lotteries.---3, 5, 7, 8. To pay such additional sums to certain commissioners.
14. ----- To raise 8000 dollars for improving the navigation from Albany to Nicoll's creek.
19. ----- Authorized to divide the 3d and 4th classes.
20. ----- Directed to raise by the last class 5000 dolls. for improving the port of Sag-Harbour.
24. ----- To raise 600 dolls. for building a bridge over Schoharie river.
26. ---A. Their compensation and expenses limited.
27. ----- Account of their expenses comptroller to audit.
28. ----- Avails to be paid as directed by the law.
18. Society for the relief of poor widows, 15000 to be raised for their use.

An ACT making further Provision for improving the Navigation between the Villages of Troy and Waterford, and for other Purposes.

Passed April 2d, 1803.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the persons appointed managers of the lotteries, authorized by the act, entitled "An act for the encouragement of literature," or a majority of them, are hereby authorized and required to raise by the third lottery, directed by said act, the sum of seven thousand five hundred dollars, together with the expenses thereon accruing, in addition to the sum of twenty-five thousand dollars, ordered by said recited act.
- II. And be it further enacted, That the said managers shall raise by the fourth lottery, directed by said act, the additional sum of seven thousand five hundred dollars, together with the expenses accruing thereon, over and above the sum of twenty-five thousand dollars, ordered to be raised by the said recited act.
- III. And be it further enacted, That immediately after the drawing of the said third lottery, the said managers shall pay to

- 4 Charles Selden, William Bradley and Joseph Alexander, who are hereby appointed commissioners for the improving of the navigation between the villages of Troy and Lansingburgh, the sum of five thousand dollars, to be by them expended in improving the navigation between the villages aforesaid ; and the further sum
- 5 of two thousand five hundred dollars to Jacobus Vast Schoonhoven, Samuel Stewart and Hezekiah Ketchum, who are hereby appointed commissioners for improving the navigation between the villages of Lansingburgh and Waterford, to be by them expended in improving the navigation between the villages aforesaid.
- 7 IV. *And be it further enacted*, That the said managers, immediately after drawing the fourth lottery, shall pay to the aforesaid commissioners for improving the navigation between the villages of Troy and Lansingburgh the sum of five thousand dollars, to be by them laid out and expended in improving the navigation between the said villages, and to the aforesaid commissioners for improving the navigation between the villages of Lansingburgh and Waterford, the sum of two thousand five hundred dollars; to be by them expended in improving the navigation between the said villages of Lansingburgh and Waterford.
- 9 V. *And be it further enacted*, That it shall be the duty of the commissioners, appointed by this act to improve the navigation between Troy and Lansingburgh ; and also the commissioners, herein appointed to improve the navigation between Lansingburgh and Waterford respectively ; to account with the comptroller of this state, for the time being, for all such sums of money as they shall annually receive by virtue of this act ; and also to exhibit a statement of the improvements by them made.
- 10 VI. *And be it further enacted*, That the first mentioned commissioners shall, before they enter upon the execution of the duties enjoined on them by this act severally give bonds to the people of this state, with one or more sureties, to be approved by the comptroller, in the penal sum of fifteen thousand dollars, conditioned for the faithful performance of said duties ; and that the last mentioned commissioners, before they enter upon the execution of the duties enjoined on them by this act, shall also severally give bonds to the people of this state, with one or more sureties to be approved by the comptroller, in the penal sum of seven thousand five hundred dollars, conditioned for the faithful performance of the duties enjoined on them by this act : all which bonds shall be filed with the comptroller of this state.
- 12 VII. *And be it further enacted*, That John Bogart, Gilbert Stewart, and Hugh Boyd, be and hereby are appointed commissioners for opening and improving the navigation of Hudson's river, between the northern boundary line of the city of Albany, on the said river, and the mouth of a certain creek in the town of Bethlehem, in the county of Albany, known by the name of Nicoll's creek : And it shall be lawful for the said commissioners to cause such works to be erected, and to adopt such measures as

as they may deem proper for removing obstructions, and improving the navigation between the places aforesaid.

VIII. *And be it further enacted*, That the said managers cause 14 to be raised by lottery, the further sum of eight thousand dollars, in such manner as they, or a majority of them, shall think proper ; which sum, when raised, the said managers shall pay unto the said last mentioned commissioners, for the purposes aforesaid.

IX. *And be it further enacted*, That the said last mentioned 15 commissioners shall, before they enter upon the execution of the duties enjoined on them by this act, give bond to the people of this state in the penal sum of twelve thousand dollars, with such sureties as the comptroller shall approve, conditioned for the faithful discharge of such duties ; which bond shall be filed in the 16 comptroller's office : and the said commissioners shall from time 17 to time account with the comptroller for the expenditure of the said money.

X. *And be it further enacted*, That the mayor, aldermen and 18 commonalty of the city of New-York, be and they are hereby authorized, if they deem it expedient and necessary, to raise by lottery a sum not exceeding fifteen thousand dollars, for the use and benefit of the society for the relief of poor widows with small children, to be by that society appropriated to the charitable purposes of their institution.

XI. *And be it further enacted*, That it shall be lawful for the 19 managers of the aforesaid lotteries (if they shall see fit) to divide the third and fourth classes of the said lotteries, into three classes : *Provided nevertheless*, That it shall be incumbent on the said managers to draw the said three classes within the period of two years from and after the finishing of the drawing of the second class.

XII. *And be it further enacted*, That the said managers shall 20 raise by the last class of the lottery, directed by the said act, the additional sum of five thousand dollars, together with the expenses thereon, over and above the sum of twenty-five thousand dollars ordered to be raised by the said recited act, for the improvement of the port of Sag-Harbour, for the encouragement of the whale and cod fisheries ; and that the said sum be expended by three 21 persons to be appointed by the council of appointment, for the purpose aforesaid, who shall give bond and sufficient security for the faithful performance of said trust, and to expend the said sum in making wharves, piers or other accommodations for shipping at said port, as they or any two of them shall judge most conducive to the encouragement of the said fisheries and other navigation ; and that the said wharves, piers or other accommodations, which shall be made in pursuance of this act, shall belong to the people of this state, and the profits arising therefrom, under such regulations as shall hereafter be directed by law, shall be annually paid into the treasury, by such person as the council of appoint- 22 ment shall from time to time appoint to receive the same : *Provided always*, That the proprietors of the lands on which the 23

commissioners shall judge proper to make such wharves, piers or other accommodations as aforesaid, shall first release to the people of this state, their right, title and interest to the same land, for so long a time as the said wharves, piers or other accommodations as aforesaid, shall be preserved for the uses aforesaid.

- 24 XIII. *And be it further enacted*, That the managers aforesaid, be authorized to raise a further sum of six hundred dollars, for erecting a bridge over the Schoharie river, in the town of Schoharie, in the county of Schoharie, opposite to the dwelling-house of Jacob Lawyer, junior, which said sum when raised shall be paid by the said managers to the commissioners of highways of the said town of Schoharie or to their order, for the purpose aforesaid;
- 25 and that the said commissioners account for the same to the comptroller, when and as often as they shall be by him thereunto required: *Provided however*, That if the said commissioners or their successors, shall not within one year after the receipt of the said money, cause a good and sufficient bridge to be erected at the place aforesaid, then the said sum of six hundred dollars shall be paid into the treasury of this state, for the use of the people thereof.
- 26 XIV. *And be it further enacted*, That as soon as any lotteries shall be drawn after the passing of this act, the managers after deducting therefrom their reasonable expenses for drawing and conducting the same, not exceeding ten per cent of the whole
- 27 sum raised in either of the said lotteries, to be audited, and al-
- 28 lowed by the comptroller of this state, shall pay the avails as directed by the law authorizing such lottery.

Water-Works.

ALBANY.

C H A P. XXVI.

C O N T E N T S.

3. Corporation of the city, to be entitled to 12 votes for trustees.
4. Stock, of the company, owned by the corporation, unalienable.
1. Trustees, recorder of the city to be ex officio one.
2. ----- Only four hereafter to be elected.

An ACT to amend the Act, entitled "An Act to incorporate the Proprietors of the Albany Water-Works."

Passed March 4th, 1803.

IN compliance with a petition of the mayor, aldermen and commonalty of the city of Albany, and the trustees and company of the Albany water-works :

- 1 *I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the Monday preced-

ing the first Tuesday of June next, the recorder of the said city shall for ever thereafter, by virtue of his office, be one of the trustees of the said company : That at every election for trustees to be held after the passing of this act, instead of five, only four trustees shall be elected : And that the said mayor, aldermen and commonalty shall not have more than twelve votes at any such election, for any number of shares they may hold of the stock of the said company ; although such number of shares, by provisions of the act hereby intended to be amended, would otherwise have entitled them to a greater number of votes.

II. *And be it further enacted*, That the stock in the said company belonging to the said mayor, aldermen and commonalty, shall for ever hereafter be unalienable.

G E N E V A .

C H A P . LXIII.

C O N T E N T S .

23. Act of Incorporation, declared a public act.
17. Bye-Laws, directors empowered to make.
 1. Company; their style and corporate rights.
 5. Directors, five, to manage the concerns of the company.
12. ----- Vacancy; among, how filled.---13. Of the first board, named.
15. ----- May appoint officers---18. And determine their compensation.
16. Dividends, to be declared half yearly.
6. Election, anniversary day of.---7. By ballot---may be by proxy.
22. ----- If not held on the day appointed, may be on any other.
19. Lands, to be used by the corporation, value how ascertained.
21. ----- Heretofore granted to the corporation, vested in it.
20. Penalty on persons for injuring conduits, &c.
10. President, how elected.---11. Pro tem. may be chosen.---14. First president appointed.
 2. Shares, value, number.---8. Apportioned for voting.
 4. ----- Instalments on, forfeiture for not paying.
 3. ----- Present stockholders entitled to two shares created by this act for every share they now hold.
18. Transfers of stock, mode of making, directors to prescribe.
9. Votes, equality of, for directors, how determined.

An ACT to incorporate the Proprietors of the Geneva Water-Works.

Passed March 31st, 1805.

WHEREAS certain persons have associated for supplying the village of Geneva with pure and wholesome water, and have by their petition prayed to be incorporated : Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jacob Hallett, Herman H. Bogart, Jacob W. Hallett, Samuel Colt, Nathaniel Merrill, David Cook, David Naglee, Ezra Patterlon, William Hortsen, Charles Williamson, Thomas Powell, John Johnston, Polydore B. Wisner and Joseph Annin, and their present and future associates, shall be

P

and hereby are constituted a body corporate and politic in fact and in name, by the name of the President, Directors and Company of the Geneva Water-Works, and by that name shall and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters and causes whatsoever, in courts of record, or in any other place whatsoever; have a common seal, and may change or alter the same at pleasure: and they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal: *Provided*, Such real estate shall be necessary to attain the object of this incorporation: That the stock of the said company shall consist of four hundred shares of fifty dollars each; that each of the present stockholders of the said association shall be entitled to two shares of the said stock created by this act for every share they now hold respectively; that the sums paid on each such share now held shall be divided equally between the two shares so substituted for the one share now held by the present stockholders, and the remainder of the said sum of fifty dollars constituting a share of stock created by this act, and all such sum or sums of money as may be at any time due on any share or shares held in the company shall be paid by all persons now or hereafter respectively holding shares of stock in the said company in such proportions and at such periods of time as the said directors shall direct and appoint, upon pain of forfeiture of their shares, and all previous payments thereon to the said directors, for the use of the company.

11. *And be it further enacted*, That the management of the concerns of the said company shall be entrusted to five directors, being stockholders, and inhabitants of the village of Geneva; which directors shall hold their offices one year from the first Tuesday in May in every year, and until others are elected in their stead: that an election shall be held on the Tuesday preceding the first Tuesday in May in every year, at such place in the village of Geneva, and at such hour as the said directors shall from time to time appoint, by notification to be put up six days before the election, in three public places in the said village of Geneva: that the election shall be held by such person, being a stockholder, as the stockholders present, immediately before the opening of such election, and after the hour so appointed, shall by a plurality of votes appoint; and such person shall, after he shall then and there have openly counted and estimated the votes, forthwith make return in writing, under his hand, of the result of such election, to the clerk of the directors: that all the elections shall be by ballot, by the stockholders personally, or by proxy, each stockholder voting in the following proportions, to wit: one vote for every share not exceeding four, five votes for six shares, six votes for eight shares, and one vote for every five shares above eight; but no person, co-partnership, or body politic, shall be entitled to more than twenty votes, and the five persons having the

greatest number of votes shall be directors ; that if any two or 9
 more persons have an equal number of votes, so as that five direc-
 tors shall not be elected, the stockholders shall forthwith in like
 manner elect, out of the persons so having an equal number of
 votes, so many as shall complete the number of five directors :
 that the said directors shall, on the second Tuesday of May in 10
 every year, elect one of their number president ; that in case of 11
 the absence of the president from any meeting, the directors pre-
 sent may, by plurality of votes, appoint one of their number pre-
 sident for that meeting ; and in case of vacancy of the office of any 12
 of the said directors, by death, resignation, or removal from the
 said village, others shall be elected by the said stockholders to fill
 such vacancy, at such time and place in the said village as the di-
 rectors, for the time being, may from time to time appoint, al-
 ways giving six days previous notice, by advertisement as afore-
 said ; that Jacob Hallett, Thomas Powell, Jacob W. Hallett, Da- 13
 vid Cook, and David Naglee, shall be the first directors ; and that 14
 the said Jacob Hallett shall be the first president : all to remain
 in office until the first Tuesday of May next.

III. *And be it further enacted*, That the said directors, shall be 15
 authorized in their discretion to appoint a clerk, treasurer, super-
 intendent, and such other officers, agents and servants, as they shall
 from time to time deem necessary, for carrying into effect the
 powers vested in the said company ; to declare and pay the divi- 16
 dends on the stock of the said company half yearly ; to establish 17
 rules, regulations, ordinances and bye-laws, for and concerning
 the conduct and government of such agents and servants ; and for 18
 determining the compensation to which they shall be respectively
 entitled, and for and concerning the manner of making transfers
 of the said stock ; and the conduct and government of all such
 persons as shall use water from their works, so far as respects the
 preservation of the water furnished by the said company, and to
 restrain the waste thereof ; and by such bye-laws and ordinances
 to impose penalties and forfeitures for a neglect or refusal to com-
 ply therewith, so that such penalty and forfeiture in any one case
 shall not exceed five dollars ; which penalties or forfeitures shall
 be recoverable in the name of the clerk or superintendent, before
 any justice of the peace with costs in an action of debt ; and for
 the purpose of effectually supplying the said village, and the in-
 habitants in the neighbourhood with water, it shall and may be
 lawful to and for the said directors and company, to lay and con-
 duct any number of conduits necessary for and calculated to con-
 vey such water through or over any lands in the town of Seneca,
 and repair the same ; and in case of disagreement with the owner 19
 or owners of any lands or tenements, as to the compensation to be
 made for the injury sustained by such operations, or if the own-
 er or owners thereof be out of the state, feme covert, under age
 or insane, that then and in every such case, it shall be lawful for
 one of the judges of the court of common pleas of the county of
 Ontario, not interested in the said water-works, upon the applica-

tion of the said directors, to appoint three indifferent persons, being freeholders, to appraise such damages, and they or any two of them, shall with all convenient speed, make such appraisement and report the same to the judge, who shall have made such appointment, in writing subscribed by them, which report the said judge shall forthwith cause to be filed in the office of the clerk of the said county, with a certificate to be subscribed by him of his having made such appointment; that the said directors shall thereupon pay to the owner or owners of such lands or tenements, or person or persons legally authorized to receive the same, whenever he or she shall demand it, the amount of such damages, and shall forthwith after such appraisement shall have been completed pay to such judge all the costs, charges and expenses attending the making the said appraisement and perfecting such report, which payments shall be deemed a full compensation for such injury; and that it shall and may be lawful to and for the said president, directors and company, to conduct and lay their conduits below the surface of any street or public highway, leaving the same in as good condition as the same was before such conduits were laid.

20 IV. *And be it further enacted*, That if any person or persons, shall wilfully stop, impair, break, injure, or deface any conduit, reservoir, spring-house or other matter or thing appertaining to the conducting or preserving the water aforesaid, he, she or they shall forfeit and pay to the president, directors and company aforesaid, treble the damages thereby sustained, to be recovered in an action of trespass, in any court having cognizance thereof with costs.

21 V. *And be it further enacted*, That all deeds, conveyances, grants, bargains and sales, gifts and privileges, whatsoever, heretofore made, granted, given or confirmed to the said company, of any lands, tenements, springs or fountains of water, and also of any privilege of laying, conducting or repairing conduits or water-pipes or logs, through any lands or tenements, shall be and the same is hereby vested in and confirmed to the said president, directors and company, to all intents, constructions and purposes whatsoever, as fully as if the said company had been incorporated at the time of making the same, by whatsoever name the said company may be known or described in such deed or deeds, conveyance or conveyances.

22 VI. *And be it further enacted*, That in case it should happen, that any election of directors should not be made on any day when in pursuance of this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day to hold and make an election of directors, in such manner as shall be regulated by the bye-laws of the said corporation.

23 VII. *And be it further enacted*, That this act shall be a public act, and be construed in all courts and places, benignly and favourably for the beneficial purpose therein intended.

Ferry across Lake Champlain.

C H A P. XXXVII.

CONTENTS.

5. Ferriage, rates of, how ascertained and determined.
1. John Ransom allowed to set up and keep a ferry for a limited period.
2. ----- Made his duty to make a convenient dock or landing place.
3. ----- To keep and support a sufficient ferry boat.
4. ----- To be ready at all seasonable times for ferrying.
8. ----- Privileges granted to, may be annulled for neglect of duty.
6. Penalty for exacting more than established rates of toll.
7. ----- On any one, other than J. Ransom, for establishing a ferry within a specified distance.

An ACT for establishing and regulating a Ferry across Lake Champlain, at Cumberland-Head.

Passed March 19th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for John Ransom, of the town of Plattsburgh, in the county of Clinton, and his assigns, to set up, keep and maintain a ferry across the lake Champlain, from the landing of said John Ransom at Cumberland-head, in the said town of Plattsburgh, to Grand-Isle, for and during the term of ten years, to be computed from the first day of September next.

II. *And be it further enacted*, That the said John Ransom and assigns shall, if they shall set up a ferry by virtue of this act, erect a convenient dock or landing place, if not already erected, on such part of the land of said John Ransom, at Cumberland-head aforesaid, as shall be most suitable for the purpose, and shall, during the time aforesaid, keep, support and maintain a sufficient ferry boat, capable of conveying four horses, and ready at all reasonable times and seasons to transport and ferry across the said lake persons, goods and chattels.

III. *And be it further enacted*, That the court of common pleas of the county of Clinton, in their sessions, may and shall annually order, direct and determine the several rates of said ferry, and the several hours in each day that the boats of said ferry shall be kept in readiness.

IV. *And be it further enacted*, That if the above named John Ransom or his assigns, or any ferryman or person employed by him, shall take, exact or receive any greater or higher rates for transporting persons, goods and chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid limited or established, he so offending shall forfeit and pay for every such offence the sum of three dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same.

V. *And be it further enacted*, That if any person or persons

shall, after the first day of September next, set up, keep or maintain a ferry, or shall carry or transport any persons, goods or chattels, for hire or pay, across the said lake, between the south point of Cumberland-head and the north point, called Gravelly-point, on said Cumberland-head, other than the said John Ransom or his assigns, such person or persons shall for every such offence forfeit and pay the sum of five dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same: *Provided always*, That nothing herein before contained shall be construed to exclude any person or persons living or inhabiting on the said lake within the limits aforesaid, from the right of carrying and transporting themselves and their goods and chattels respectively in their own boats, without paying any rate of ferriage.

- 8 VII. *And be it further enacted*, That if it shall appear upon sufficient evidence to the court of common pleas of the said county of Clinton, that the said John Ransom or his assigns, shall wilfully neglect to comply with the directions of this act, in keeping the ferry aforesaid, it shall and may be lawful for the said court to adjudge that all the privileges granted to him under this act, shall cease and be of no effect.

Stage-Waggons.

C. H. A. P. XX.

CONTENTS.

1. Donally, Terence, and others, allowed an exclusive right of running stage-waggons on a certain route.
3. ----- To provide four stage-waggons.-----5. To run at least once in each week on the line.
6. ----- Their exclusive right, to become void in case of a neglect.
4. Fare, rates of.
2. Penalty on persons other than Terence Donally and associates for running stage-waggons on said route.

An ACT to grant to Terence Donally and others, the exclusive Right, for a certain Term, of running Stage-Waggons on the West Side of Hudson's River, between the City of Albany and the Northern Boundary Line of the State of New-Jersey.

Passed February 26th, 1803.

- 1 I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Terence Donally, Isaac Sloc, Jacob Vanderhoff, William Tremble, Hiel Brockway, James Bennet and Israel Ransom, their executors, administrators and assigns, shall have, possess and enjoy, for the term of seven years from the passing of this act, the sole and exclusive right of erecting and running and driving, during the term aforesaid,

such and so many stage-waggon from and to the city of Albany, and the northern boundary line of the state of New-Jersey, along the most usual route now established or hereafter to be established on or near the west side of Hudson's river, as they may judge sufficient for the purpose of accommodating such a number of passengers as may from time to time apply : And that it shall not be lawful for any other person or persons during the term 2
aforesaid to erect or establish a stage or stages on said route, under the penalty of five hundred dollars, to be recovered by any person or persons who shall prosecute for the same, together with costs, in any court of record, having cognizance of the same.

II. *And be it further enacted*, That the said Terence Donally, 3
Isaac Slote, Jacob Vanderhoff, William Tremble, Hiel Brockway, James Bennet and-Israel Ransom, their executors, administrators and assigns, shall furnish and provide at least four good and sufficient covered stage-waggon ; and that the fare to be 4
paid by each passenger shall not exceed five cents for every mile, with the liberty to such passenger of taking with him in such carriage fourteen pounds weight of baggage ; and that for every one hundred and fifty pounds weight of baggage, over and above such fourteen pounds weight of baggage as aforesaid, the sum of five cents for every mile shall be paid, and so in proportion for every greater or less quantity : and that such stage-waggon 5
or waggon shall proceed at least once in every week during the said term on the line aforesaid : *Provided always*, That if the 6
said Terence Donally, Isaac Slote, Jacob Vanderhoff, William Tremble, Hiel Brockway, James Bennet and Israel Ransom, their executors, administrators or assigns, shall neglect to perform the duties aforesaid, according to the true intent and meaning of this act, that in such case this act shall cease, and the right and privilege hereby granted become null and void.

Steam Boat.

C H A P. XCIV.

An ACT relative to a Steam Boat.

Passed April 5th, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the rights, privileges and advantages granted to Robert R. Livingston, in and by the act entitled " An act repealing an act for granting and securing to John Fitch the sole right and advantage of making and employing the steam boat by him lately invented, and for other purposes," passed the twenty-seventh day of March, one thousand seven hundred and and ninety-eight, be extended to Robert R. Livingston and Robert Fulton, for the term of twenty years from the passing of this

act; and that the term for giving the necessary proof of the practicability of a boat of twenty tons capacity, being propelled by steam through the water, with and against the ordinary current of Hudson river, taken together, four miles an hour, be and the same is hereby extended to two years from the passing of this act.

State Treasurer.

CHAP. I.

CONTENTS.

10. Bills of credit, of the state and colony, directed to be destroyed.
5. Comptroller to inspect the Treasurer's accounts, and in case of irregularity or deficiency to report to the governor.
8. ----- to procure monthly statements of the treasurer's account from the banks of Albany and New-York.
6. Governor, may declare the office of treasurer vacant, in case of wilful violation of duty.
1. Treasurer, so much of the act which relates to the office and duties, of, as restrains him from being concerned in trade, repealed.
2. ----- How to keep his accounts with the banks where he makes deposits.
3. ----- How to draw monies from the banks.
4. ----- To exhibit accounts at stated periods to the comptroller.
7. ----- His duties, in what case to devolve on the president and directors of the Albany Bank.
9. ----- Abraham G. Lansing appointed.

An ACT to appoint a Treasurer, and to amend the Act, entitled "An Act relative to the Office and Duties of the Treasurer of this State," and for destroying certain Bills of Credit.

Passed February 8th, 1803.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That so much of the act, entitled "An act relative to the office and duties of the treasurer of this state, as restrains the treasurer of this state from being concerned directly or indirectly in any trade or merchandize shall be and the same is hereby repealed.
- II. And be it further enacted, That the treasurer shall always keep a bank book, in which shall only be entered his account of receipts and monies drawn from the banks in which he shall make deposits as treasurer; that he shall not be authorized to draw any monies therefrom, unless by checks subscribed by him as treasurer, and countersigned by the comptroller of this state: that he shall exhibit such book on the first Tuesday in every month, and oftener if required, to the comptroller for his inspection and examination; and it is hereby made the duty of such comptroller carefully to inspect the accounts of the debits and credits in such book, and if he discovers any irregularity or deficiency therein,

forthwith to report in writing the nature and extent of such irregularity or deficiency to the person administering the government of this state, and if it shall thereupon appear to the person administering the government of this state, that the treasurer has in any particular wilfully violated his duty, it shall be lawful for him forthwith to declare the office of treasurer vacant, and thereupon the duties of treasurer shall devolve on the president, directors and company of the bank of Albany, in like manner as in case of the death or inability of any treasurer. 6 7

III. *And be it further enacted,* That it shall be the duty of the comptroller to procure from the books of the respective banks of New-York and Albany, monthly statements of the monies which shall be received into and paid out in such banks on account of the treasurer of this state. 8

IV. *And be it further enacted,* That Abraham G. Lansing, is hereby appointed treasurer of this state, to continue in said office one year, unless within that time another person be appointed in his stead. 9

V. *And be it further enacted,* That Thomas Tillotson, Gerrit W. Van Schaick, John Tayler and Abraham Ten Broeck, be and they hereby are appointed to destroy, by burning, all the bills of credit of this state and the bills of credit of this state while a colony, which are now in the treasury of this state, or deposited in the bank of Albany for safe keeping, and to report to the legislature, during their present session, the number and amount of each bill they shall so destroy. 10

Superintendents of Highways.

C H A P. XIV. .

CONTENTS.

1. Superintendents of highways, to account with supervisors.
2. ----- To pay monies in their hands to county treasurer.
3. ----- In case of a neglect of duty, may be prosecuted.
- 4, 6. Supervisors, their duty.---5. Treasurers, their duty.

An ACT to compel the late Superintendents of Highways to account with the Supervisors of the several Counties within this State.

Passed February 22d, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the late superintendents of highways of the several counties of this state, and they are hereby required to account with the board of supervisors of their respective counties, at their annual meeting in October next, for all monies received by them by virtue of their said office as superintendents of highways for such counties respectively, and not yet accounted for : And it shall 2

Q

further be the duty of the said superintendents, and they are hereby required to pay to the treasurers of their respective counties such sum or sums of money as shall appear on such settlement to remain in their hands unappropriated, by virtue of their said office, at the time of passing this act.

- 3 III. *And be it further enacted*, That in case the superintendents, or either of them, shall refuse or neglect to account with the supervisors, and to pay over to the treasurers aforesaid, then it shall be the duty of the said supervisors, and they are hereby required to give immediate notice of such neglect or refusal to the treasurer, who is hereby required forthwith to prosecute the said superintendents, or either of them so refusing or neglecting as aforesaid, by an action of debt in his own name, as treasurer of the county, for all such sum or sums of money as may have come into his or their hands at any time during his or their continuance in the said office by virtue of the same, and with full power to prosecute the same to effect; which money shall be paid by the said respective treasurers to the order of the supervisors, or a major part of them, to be applied by them according to the direction of the act to regulate highways, passed 8th of April, 1801.

Loan-Office.

C H A P. XV.

An ACT concerning the Loan-Office.

Passed February 22d, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the loan-officers for the several counties in this state to procure new books of mortgages, minutes and accounts similar in form to those now used, whenever their present books are filled, and that the expense of such new books shall be paid out of the monies raised in the said counties respectively to defray the contingent charges thereof.

Comptroller.

C H A P. XXII.

An ACT to continue the Act, entitled "An Act relative to the Office and Duties of the Comptroller of this State."

Passed February 26th, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled "An act rela-

tive to the office and duties of the comptroller of this state," passed the eighth day of April, one thousand eight hundred and one, shall be and hereby is continued in full force until the twenty-eighth day of February which will be in the year of our Lord one thousand eight hundred and five.

Eastern and Western Districts.

C H A P. XXIII.

CONTENTS.

5. Clerk of the Senate, to give notice of election.
1. Eastern District, Montgomery county annexed to.
2. Senators, in the Eastern and Western districts, apportioned.
4. ----- How many to be chosen in the Eastern and Western districts at the next election.
3. Senator, residing in Montgomery, considered as belonging to the Eastern district.

An ACT relative to the Eastern and Western Districts of this State, and apportioning the Senators to be elected therein.

Passed February 28th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the county of Montgomery shall be and is hereby annexed to the eastern district of this state; and the remaining part of the western district shall be and remain the western district of this state. 2

II. *And be it further enacted*, That the eastern district shall be entitled to elect nine senators; and that the electors of senators in the western district shall be entitled to elect nine senators. 2

III. *And be it further enacted*, That the senator now residing within the limits of the eastern district, as described by the first enacting clause of this act, shall be considered as a senator for the eastern district. 3

IV. *And be it further enacted*, That at the ensuing general election the electors of senators in the eastern district shall be entitled to elect five senators; and that the electors of senators in the western district shall be entitled at the ensuing election to elect one senator; and that the senators so elected shall compose part of the second class. 4

V. *And be it further enacted*, That the clerk of the senate shall give notice of such election immediately after the passing of this act. 5

New-York State Bank.

C H A P. XLII.

CONTENTS.

- 40. Act of Incorporation, declared a public act.
- 41. Bank, business thereof, confined to the city of Albany.
- 26. Bills obligatory and of credit, under seal of corporation, assignable.
- 19. Bye-Laws, directors empowered to make.
- 35. Cashier and Clerks, to give bonds with sureties.
- 1. Company, style---corporate rights---duration of charter.---17. Not to be dissolved for not electing directors on the day prescribed.---31. Nor for non user before August next.
- 25. ----- Restricted from buying or selling goods, &c.
- 6, 9. Comptroller, to be ex officio a director.
- 7. ----- When required to report a state of the bank to the governor.
- 43. ----- May vote in person or by proxy for directors in the State or Farmer's bank.
- 22. Debts, to what extent may be contracted.---23. In what cases directors liable for, in their private capacities.
- 8. Directors, thirteen to manage the concerns of the company.
- 10. ----- Twelve to be annually chosen.---16. First board of, named.
- 19. ----- May make bye-laws.---20. May appoint officers, &c.
- 37. ----- Seven a quorum.---15. Vacancies how filled.
- 13. ----- In case of an equality of votes for, how determined.
- 30. ----- To give sixty days notice of calls on shares.
- 36. ----- To receive no emoluments for their services.
- 34. Dividends, to be declared half yearly.
- 11. Election, anniversary day of.---12. To be by ballot.
- 18. ----- If not held on the day appointed, may be held on any other.
- 42. Farmer's Bank, stock of, how transferable.---43. Comptroller may vote for directors of, in person or by proxy.
- 39. Interest, rate of, prescribed.
- 24. Lands, tenements and hereditaments, which the company may hold.
- 27. Notes, though not under seal, obligatory on the corporation.
- 14. President, how chosen.---38. When absent, his place how supplied.
- 33. Proxy, who may vote by.
- 3. Shares, value.---4. Number.---21. Transfer, mode of.
- 32. ----- Apportioned for voting.
- 28. ----- Instalments on.---29. For non-payment of, shares forfeited.
- 5. State, right reserved to, of subscribing 3000 shares.
- 2. Stock, amount of.

An ACT to incorporate the Stockholders of the New-York State Bank, and for other Purposes.

Passed March 19th, 1803.

WHEREAS Abraham Ten Eyck and others, associated as a company under the style of the New-York State Bank, by their petition presented to the legislature, have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution: Therefore,

1. Be it enacted by the People of the State of New-York, represent-

ed in Senate and Assembly, That all such persons as now are or hereafter shall be stockholders of the said bank, shall be and hereby are ordained, constituted and declared to be from time to time, and until the first Tuesday of June, which will be in the year of our Lord one thousand eight hundred and eighteen, a body corporate and politic, in fact and in name, by the name of the President, Directors and Company of the New-York State Bank ; and that by that name they and their successors, until that day, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever : and that they and their successors may have a common seal, and may change and alter the same at their pleasure : *And also,* That they and their successors, by the same name of the President, Directors and Company of the New-York State Bank, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

II. *And be it further enacted,* That the capital stock of the said corporation, exclusive of what may be subscribed on the part of this state, shall not exceed four hundred and sixty thousand dollars ; and that a share in the said stock shall be fifty dollars ; and that subscriptions to the said capital stock may be kept open, under the direction of the president and directors, until the number of shares subscribed, together with those already subscribed, shall amount to nine thousand two hundred ; and that this state shall have a right to subscribe any number of shares to the said bank not exceeding in the whole three thousand, at any time when they shall by law authorize any person or persons for that purpose, which shall be paid for in such proportions and at such times as shall be provided for by the bye-laws of the said corporation ; and in pursuance of the said subscription on the part of this state, the comptroller shall be ex officio director, whose duty it shall be, to furnish to the person administering the government of this state, as often as he may require, a statement of the amount of the capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash on hand.

III. *And be it further enacted,* That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by thirteen directors, being stockholders and citizens of this state, and of which directors the comptroller shall always ex officio be one, which directors shall hold their offices for one year from the first Tuesday in June in every year, and twelve of the said directors shall be elected on the first Tuesday in June in every year, at such time of day, and at such place within the city of Albany, as a majority of the said directors, for the time being, shall appoint, and public notice shall be given by the said director, not less than sixty days previous to the time of holding the

- said election, by an advertisement to be inserted in at least two of the public newspapers printed in the said city of Albany, and the said election shall be made by such of the stockholders of the
- 12 said corporation as shall attend for that purpose, either in person or by proxy, and all elections for directors shall be by ballot, and the twelve persons who shall have the greatest number of votes.
- 13 shall be directors; and if it should happen at any election, that two or more persons have an equal number of votes, then the said directors in office at the time of such election or a major part of them, shall proceed to ballot, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole
- 14 number; and the directors, as soon as may be thereafter, shall proceed in like manner to elect by ballot one of their number to be their president; and if any director shall remove out of this
- 15 state, his office shall be considered as vacant; and whenever any vacancy or vacancies shall happen among the directors by death, resignation or removal, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen by such person or persons as the remainder of the directors, for the time
- 16 being, or a majority of them, shall appoint; and the comptroller, together with John Tayler, Thomas Tillotson, Abraham G. Lansing, Peter Gansevoort, jun. Elkanah Watson, John R. Bleecker, Francis Bloodgood, John Robinson, Gilbert Stewart, John D. P. Dow, Richard Lush and Thomas Mather, shall be the present directors, which twelve directors last mentioned shall hold their offices respectively, until the first Tuesday of June, which will be in the year one thousand eight hundred and four.
- 17 IV. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been done, the said corporation shall not for that cause be deemed to be dis-
- 18 solved, but that it shall and may be lawful on any other day to hold an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.
- 19 V. *And be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such other mat-
- 20 ters as appertain to the concerns of the institution; and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business and with such salaries and allowances as to them shall seem meet: *Provided*, That such bye-laws, rules and regulations be not repugnant to the constitution or the laws of the United States or of this state.
- 21 VI. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or regis-

tered in a book or books to be kept for that purpose by the directors.

VIII. *And be it further enacted*, That the total amount of debts 22 which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, over and above the specie then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the said bank; and in case of such excess, the directors under 23 whose administration it shall happen shall be liable for the same in their separate and private capacities, but this shall not be construed to exempt the said corporation, or any estate real or personal, which they may hold as a body corporate, from also being liable for and chargeable with such excess; but such of the directors who shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, shall not be so liable.

VIII. *And be it further enacted*, That the lands, tenements and 24 hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts, previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts: *And further*, That the said corporation shall not di- 25 rectly or indirectly deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever, or in buying or selling any stock created under any act of the United States, or any particular state, unless in selling the same when truly pledged by way of security for debts due to the said corporation,

IX. *And be it further enacted*, That the bills obligatory and of 26 credit, under the seal of the said corporation, which shall be made to any person or persons shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees, to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be 27 issued by order of the said corporation, promising the payment of money to any person or persons, his, her or their order or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

X. *And be it further enacted*, That it shall be lawful for the di- 28

- directors for the time being, to call and demand of the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions, as they shall see fit, under pain of forfeiture of their shares and all previous payments thereon to the said company : Always, however, giving sixty days previous notice of such call and demand in one of the newspapers published as aforesaid.
- 31 XI. *And be it further enacted*, That this present act of incorporation, shall in no wise be forfeited by any non user whatsoever, before the first day of August next, and that it shall on that day be lawful for the directors above mentioned, to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed to the contrary notwithstanding.
- 32 XII. *And be it further enacted*, That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratios, that is to say, at the rate of one vote for each share not exceeding four ; five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten ; and that stockholders actually resident within the United States, and none other, may vote in elections by proxy.
- 34 XIII. *And be it further enacted*, That it shall be the duty of the directors, to make half yearly dividends of so much of the profits of the said bank, as to them or a majority of them shall seem advisable ; and that every cashier and clerk, before he enter upon the duties of his office, shall give a bond with two or more sureties, to be approved of by the directors for the time being, or a majority of them, in a sum not less than twenty thousand dollars for such cashier, and four thousand dollars for each clerk, conditioned for the faithful discharge of their several duties.
- 36 XIV. *And be it further enacted*, That no director shall be entitled to receive any emolument for his services, and that seven directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of sickness or absence, in which case the directors present may choose a chairman, pro hac vice, and that there shall be general meetings of the said directors, at such time or times in the year, as shall be appointed by the bye-laws of the said corporation.
- 39 XV. *And be it further enacted*, That the said corporation shall not demand any greater interest on any loan or discount, than at the rate of six per centum per annum.
- 40 XVI. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same be for the time herein before limited, construed in all courts and places, benignly and favorably, for every beneficial purpose therein mentioned.
- 41 XVII. *And be it further enacted*, That the bank shall be established and kept, the buildings necessary for the accommodation thereof erected, and the business thereof at all times hereafter

transacted in the city of Albany, and not elsewhere within this state.

XVIII. *And be it further enacted*, That no transfer of stock in the Farmer's bank, hereafter to be made, shall be valid or effectual until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors, and unless the persons making the same, shall previously discharge all debts due by him or her to the said corporation, which exceed in amount the residuary stock of such person; and that it shall be lawful for the comptroller for the time being to vote either in person or by proxy, at every election for directors of the New-York state bank, or of the Farmer's bank, for and in behalf of this state.

Secretary.

C H A P. XLIV.

C O N T E N T S.

1. Secretary, no longer his duty to record the laws.
2. ----- To cause original laws to be bound.
3. ----- To deposit in his office a printed copy of the laws of each session.
4. ----- His further duties with respect to the laws.

An ACT concerning the Recording of the Laws of this State.

Passed March 19th, 1803.

L *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall not be necessary for the secretary to record the laws of this state as heretofore; but that he shall cause the original laws to be bound together in volumes of such size as he shall think proper; and shall also from time to time deposit in his office one copy of the laws printed by the printer to the state, having first examined and compared the same with the original laws on file, and noted at the end of each act, any error or mistake that may be found in the printed copy: *And further*, On the back of each volume of the engrossed or original laws, the secretary shall cause to be written or printed in large characters the words following, to wit: Original laws passed the (insert the number of) session in the year ; and on the back of the printed copy aforesaid these words, to wit: Copy of the printed laws passed the (taking in number of) session, in the year (insert the time of) compared and certified by the secretary.

Physic and Surgery.

C H A P. XLVIII.

An ACT to amend the Act, entitled "An Act to regulate the Practice of Physic and Surgery in this State."

Passed March 22d, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all persons who have practised physic or surgery, or both, for the term of two years before the first day of March, 1797, and all persons who have studied physic or surgery, or both, and shall obtain such proof of such practice or study as is required by the first section of the act hereby amended, and file the same in the office of the clerk of the county in which he or they reside, on or before the first day of January next, shall have as full power to practice physic or surgery, or both as if he had filed the same before the first day of October, 1797, any thing in the said act to the contrary thereof notwithstanding.

Duelling,

C H A P. LXXI.

CONTENTS.

1. Challenge, citizens of the state giving or accepting one, subjected to certain disqualifications.
2. ----- Being the bearer of one, knowing it to be such, subjected to disqualifications.
3. ----- If given or accepted out of the state, offence notwithstanding cognizable within the state.
6. ----- Punishment of persons not citizens, for giving or accepting one within the state.
1. Duelling, citizens of the state guilty of, although no death ensue, subjected to disqualifications.
3. ----- If committed out of the state, by a citizen thereof, offence cognizable within the state notwithstanding.
6. ----- Persons guilty of, within the state, not being citizens, how punished.
5. Grand Juries, to be charged to enquire of offences against this act.
4. Witness, persons offending against the act considered competent, and may be compelled to appear against another.

An ACT to prevent Duelling.

Passed April 2d, 1803.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That any citizen of this state who shall hereafter give or accept a challenge to fight a duel, or shall

actually fight a duel, although no death ensue, and the second or seconds of every person offending in the premises, shall be deemed and taken to be guilty of a high misdemeanor against the people of this state, and on conviction thereof, before any court of oyer and terminer and general gaol delivery, or the supreme court of this state, shall, for every such offence, be disqualified from holding any office of honour, profit or trust, and voting at any election within this state, for the term of twenty years.

II. *And be it further enacted,* That any citizen of this state who shall by word, writing or otherwise, request or invite any person to meet him, with intent to fight a duel, and every citizen of this state who shall meet with intent to fight a duel; and every person knowingly being the bearer of any challenge or message sent with the intent aforesaid, shall be deemed guilty of the said offence, and on conviction thereof in either of the said courts, shall be subject to the disqualifications and punishment in manner aforesaid. 2

III. *And be it further enacted,* That every offence against this act committed without the limits of this state, by a citizen thereof, shall and may be cognizable in the said courts, in either of the counties of this state, as if the said offence had been committed within such county. 2

IV. *And be it further enacted,* That any person offending against this act shall be a competent witness against any other person offending in like manner, and may be compelled to appear and give evidence in said court touching the premises, but shall not thereby be criminated himself. 4

V. *And be it further enacted,* That it shall be the duty of the justices of the courts of oyer and terminer and general gaol delivery, and general sessions of the peace, at every session, to give in charge to the grand jury of the county in which either of the said courts shall be held, to inquire of all offences committed against this act. 5

VI. *And be it further enacted,* That if any person not being a citizen of this state, shall be convicted in any of the said courts of the aforesaid offence against this act, he shall be fined and imprisoned at the discretion of the court having cognizance thereof, not exceeding five hundred dollars, as a fine, and seven years imprisonment in the state prison at hard labour. 6

Lands; Commissary of Military Stores; Arms, etc.

C H A P. LXXXVI.

C O N T E N T S.

3. Arms and Military Stores, governor authorized to draw 12,500 dollars for the purchase or manufacturing of.
2. Commissary of Military Stores, his travelling expenses, &c. how allowed and paid.

1. Lands belonging to the state, attached to the arsenals and military stores that are not in use, surveyor-general authorized to lease under the directions of the governor.

An ACT authorizing the Surveyor-General to lease certain Lands belonging to the People of this State, and for other Purposes.

Passed April 4th, 1803.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the surveyor-general, with the consent and under the direction of the person administering the government of this state, to lease, for terms not exceeding seven years from the passing of this act, subject to such rents as may be obtained, such parts of the tracts or lots of land, belonging to the people aforesaid, contiguous to the arsenals or military stores within this state, as may not be necessary to remain at present attached to the same.
- 2 II. *And be it further enacted,* That the commissary of military stores, shall annually exhibit an account of his necessary travelling expenses, and of all other necessary expenses which he shall incur, by the direction of the person administering the government of this state, which accounts, if approved of by the person administering the government of this state, shall be paid in the same manner as other contingent expenses of said commissary's department.
- 3- III. *And be it further enacted,* That it shall be lawful for the person administering the government of this state, to draw from the treasury, on the warrant of the comptroller, such sum as he may deem necessary, not exceeding twelve thousand five hundred dollars, to be expended in the purchase or manufacturing of arms and military stores under his direction, for the use of the people of this state.

Militia.

C H A P. LXXXVII.

C O N T E N T S.

12. Artillery, general and field officers, to be in proportion to their numbers.
13. ----- To be so disposed by the commander in chief as to conform to the organization established by the United States.
10. Blank Returns, adjutant-general, at the expense of the state, to furnish the brigadier-generals with.
 1. Brigadier-Generals, to attend the annual reviews of the regiments and corps attached to their brigades.
 2. ----- To give such orders as shall be best calculated to improve in military discipline.
 3. ----- When to give notice to the major-general of the annual reviews.

5. Brigadier-General, when and how to make brigade returns.
11. ----- How to distribute the blank returns furnished them by the adjutant-general.
14. Brigade-Majors, certain monies appropriated to the payment of.
12. Cavalry, general and field officers, to be in proportion to their numbers.
13. ----- To be so disposed by the commander in chief as best to conform to the organization established by the United States.
7. Courts of Inquiry, commander in chief authorized to appoint.
8. ----- President of, may summon witnesses.---9. To report a state of the facts to the commander in chief.
15. Drums, Fifes, &c. certain monies appropriated to the purchase of.
16. Rank, commander in chief authorized to appoint boards of officers to ascertain.
4. Regiments and Battalions, officers commanding, when and how to make their returns.
6. Resignations, not to be considered as finally accepted until approved by the commander in chief.

An ACT supplementary to an Act to amend an Act, entitled " An Act to organize the Militia of this State."

Passed April 5th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the brigadiers-general and commandants of brigades shall attend the annual reviews and inspections of the different regiments and corps belonging to or attached to their respective brigades : And it shall be their duty to give such orders from time to time as shall appear to them best calculated to introduce the system of military discipline established by law, and for improvement in military exercise and manœuvres : And that the brigadiers-general and commandants of brigades, whenever by the orders of the commander in chief it shall be submitted to their discretion to appoint the days for the annual reviews and inspections of their brigades, shall give timely notice thereof to the major-general of the division, to the end that he may have an opportunity of reviewing a part of his division every year.

II. *And be it further enacted,* That officers commanding regiments and battalions shall make returns in due form of their respective corps to the brigadier-general, or officers commanding brigades to which they belong, within one month after the annual review and inspection, together with a return stating the vacancies and other casualties in said corps respectively, and mentioning in said return the names of the persons who are entitled to promotion in consequence of such vacancies : And the brigadier-general, or officer commanding a brigade, shall, from such returns last mentioned, form a brigade return, and transmit the same to the commander in chief on or before the first day of February in every year, and shall annually, as soon after the annual

review and inspection as can conveniently be done, make a brigade return to the major-general of the division.

6 III. *And be it further enacted*, That no resignation of any commissioned officer, shall be considered as finally accepted, till approved of by the commander in chief.

7 IV. *And be it further enacted*, That when complaint is made by a commissioned officer, in writing, against any officer of the militia for improper conduct, which is degrading to the office which he holds, the commander in chief shall be authorized to appoint courts of inquiry, to consist of not less than three or more than five officers, to investigate the conduct of said officer or officers so complained of : and the president of said court shall have the same power to summons witnesses and administer oaths, that presidents of courts martial have ; and in such case the facts shall be by said president reported to the commander in chief.

10 V. *And be it further enacted*, That blank returns, in such form as the commander in chief shall direct, shall be furnished by the adjutant-general, at the expense of the state, to brigadiers-general or commandants of brigades, to be by them distributed to their respective colonels or commandants of regiments, battalions, and commandants of companies within their brigades.

12 VI. *And be it further enacted*, That general and field officers to be appointed to the artillery and cavalry, shall be in proportion as nearly as may be to the number they consist of ; and that in arranging the militia the commander in chief shall so dispose of them as to conform the different corps as nearly as may be to the organization established by the United States, or which may be established : But nothing in this act contained is to affect the rank of officers heretofore appointed, although by such arrangements they should become supernumerary.

14 VI. *And be it further enacted*, That the monies ordered to be paid to the brigadier-general by the thirty-ninth section of said act hereby amended, shall be applied to pay the brigade-major, and to furnish drums, fifes and other instruments of music, ordered by law to be used by the different corps within said brigade, where deficiencies arise, for said purposes, to make up such deficiencies after the monies are expended which are by law appropriated for said purposes, and the remainder shall be paid into the treasury of the state : That the monies heretofore raised by said thirty-ninth section, and not applied by said brigadiers-general, shall be appropriated as by this act is directed.

16 VIII. *And be it further enacted*, That it shall be lawful for the commander in chief, whenever he shall deem it necessary, by general orders, to direct the appointment of boards of officers, to ascertain rank.

Salt-Springs.

C H A P. XC.

CONTENTS.

1. Superintendent, to give bond with sureties.
2. ----- To account with the comptroller.
3. ----- To take an oath.
4. ----- Office of, becoming vacant, may be filled by the governor.
5. ----- How to give certificates for salt.
6. ----- To make a return of out-standing certificates, &c.---7. And deliver the same to the comptroller.
8. ----- To advertise the holders of certificates to exhibit their certificates to him in a given time, &c.

An ACT relative to the Salt-Springs in the County of Onondaga.

Passed April 5th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall not be lawful for any superintendent of the salt-springs in the county of Onondaga, at any time after thirty days from and after the passing of this act, to exercise or take upon him the duties of the said office, unless such superintendent shall, together with two sufficient sureties, to be approved of by the comptroller, first have executed to the people of this state, and delivered to the said comptroller, a bond in the penal sum of five thousand dollars, conditioned for the faithful performance of the said duties of the said office ; and to account with the said comptroller, for all money or other property which he shall or may receive belonging to the people of this state ; and shall also have taken and subscribed an oath before any judge of any court of common pleas in this state, faithfully to do and perform the duties of his said office, and to account with the comptroller according to law, which said oath shall be delivered to the comptroller and by him filed in his office.

II. *And be it further enacted,* That if any superintendent shall die, resign or refuse or neglect to give security agreeable to the directions of this act, and the council of appointment shall not then be in session, it shall in such case be the duty of the person administering the government of this state, to appoint a superintendent, and who shall upon his giving the like bond and taking the like oath, as is herein before mentioned, continue in the said office until the council of appointment shall make a new appointment.

III. *And be it further enacted,* That the said superintendent shall not hereafter give a certificate for any salt, unless the barrels containing the same, shall be first marked with the owner's name and deposited in one of the public store-houses at the said salt-springs.

- 6 IV. *And be it further enacted*, That it shall be the duty of the superintendent to examine the check certificate book of his office, and to make out therefrom a true return of the number of each out-standing certificate, and the number of the barrels contained therein, with the distinguishing marks thereon, and the quantity and quality of the salt described in such certificate, and shall also make a true return of the quantity of salt at the said springs, and for which certificates have been heretofore given, and also the quantity of salt at the said springs, belonging to the
- 7 people of this state, which said returns shall be delivered by the said superintendent to the comptroller on or before the first day of July next.
- 8 V. *And be it further enacted*, That the said superintendent shall give notice by an advertisement to be published four weeks successively in each of the newspapers printed at Utica, in the county of Oneida, and at Canandarqua, in the county of Ontario, to all persons holding certificates for salt by any superintendent heretofore given, to exhibit the same to the said superintendent on or before the first day of January next, or that the salt therein mentioned will not thereafter be delivered, and it shall not be lawful for the said superintendent to deliver any salt upon any such certificate, unless the same shall be exhibited to him on or before the said first day of January ; *And further*, If the salt mentioned in any such certificate shall not have been deposited in either of the public store-houses at the said springs, it shall be the duty of the said superintendent to deliver the same salt described in such certificate, and which has not been deposited as aforesaid, if the same can be found, and no storage shall be charged for any salt which shall not have been deposited in one of the said store-houses.

Quit-Rents.

C H A P. XCVI.

An ACT to revive the third Clause of an Act concerning Quit-Rents, passed April 8th, 1801, and extend the Time for the Remission and Commutation of certain Quit-Rents.

Passed April 5th, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time limited by the third section of the act, entitled " An act concerning quit-rents, passed the eighth day of April, one thousand eight hundred and one, for the remission and commutation of quit-rents, in certain cases therein mentioned," shall be and the same is hereby revived and extended to the first Tuesday of January next, upon the terms and conditions prescribed in and by said act: *Provided, however*, That on all such patents as shall have been advertised

according to law, to be sold for arrears of quit-rent, the owner thereof shall pay his proportion of the cost of advertisement.

Deer.

C H A P. XCVII.

An ACT to amend an Act, entitled, " An Act to prevent the Destruction of Deer," passed 15th March, 1788.

Passed April 5th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That if any person or persons shall set any trap or traps, or set up any sharp stick or sticks, or spear or spears made of iron, out of or in any pit or pits, for the purpose of catching deer, or shall in the night time watch for the purpose of shooting deer, within the space or distance of thirty rods from any road or highway, such person or persons shall for every such offence forfeit the sum of twenty-five dollars.

II. *And be it further enacted*, That all the penalties incurred by this act, shall and may be recovered and applied in the same manner as the penalties in the act hereby amended are directed to be recovered and applied.

Wills.

C H A P. XCIX.

An ACT to amend an Act, entitled " An Act to reduce the Laws concerning Wills into one Statute."

Passed April 5th, 1803.

WHEREAS doubts have arisen with respect to the construction of certain parts of said act ; for removal whereof,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That every will heretofore proved or which shall hereafter be proved, pursuant to the directions of said act, and shall have a certificate thereof indorsed thereon, signed by the clerk of the court in which the same shall have been so proved, with the seal of the said court thereunto annexed, as also the record of said will and the transcript of such record, under the hand of the clerk and the seal of the said court, shall without further proof, be as good and effectual in all cases as the original will would be if produced and proved.

Beef and Pork.

C H A P. C I.

CONTENTS.

18. Barrels and half-barrels for beef, of what timber, and of what capacity to be made.
26. ----- For pork, of what timber, and of what capacity to be made.
37. ----- On Long-Island, may be made of black-oak staves.
1. Beef or Pork, not to be exported from the state, except put up in conformity to this act.
42. ----- All former laws respecting the inspection of, repealed after the 15th September next, except as to the recovery of penalties previously incurred.
7. Beef for exportation, to be of fat cattle, not under three years old.
8. ----- How to be cut up.---9. How assorted.
10. ----- Mess, of what to consist.---11, 19. How branded.
12. ----- Prime of what to consist.---13, 19. How branded.
14. ----- Cargo, of what to consist.---15, 19. How branded.
16. ----- How to be salted.
17. ----- Fourth quality of, how denominated, marked, &c.
20. ----- Killed according to the Jewish custom, how packed and branded.
38. ----- In certain counties, may be salted with Onondaga salt.
39. ----- Rounds of, in kegs and tubs, may be exported as usual.
40. ----- Brought into this state from any of the United States, may be exported without re-inspection, if properly inspected in the state it came from.
2. Inspectors, one or more to be appointed in each city and county.
3. ----- One in New-York, for inspecting beef killed according to the rites of the Jews.
4. ----- To enter into bonds.---5. To take an oath.
6. ----- To make annual returns to the governor in June.
23. ----- Their compensation by whom paid.
24. ----- Penalty on, for misconduct.
43. ----- Prohibited from buying or selling beef or pork, other than remnants, except for the use of their families.
21. Penalty, on inspectors for inspecting out of the cities or counties for which they were appointed.
22. ----- On persons not inspectors, for branding.
24. ----- On inspectors for misconduct.
25. ----- On persons for intermixing or shifting beef or pork after inspection.
41. ----- How recovered and applied.
27. Pork to be distinguished into three qualities.
28. ----- Mess, of what pieces to consist.---19, 29. How branded.
30. ----- Prime, of what pieces to consist.---19, 31. How branded.
32. ----- Cargo, of what pieces to consist.---19, 33. How branded.
34. ----- Half barrels of, what to contain.
35. ----- How to be cut up.---36. How to be salted.
38. ----- In certain counties, may be salted with Onondaga salt.
40. ----- Brought into this state from any of the United States, may be exported without re-inspection, if properly inspected in the state it came from.

An ACT to regulate the Curing, Packing and Inspection of Beef and Pork, to be exported from the State of New-York.

Passed April 6th, 1803.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the fifteenth day of September next, no person or persons whatsoever, shall ship or export from this state, any beef or pork, except in barrels or half-barrels, of the quality and dimensions herein after provided, and the contents thereof inspected and packed, and the casks containing the same are branded agreeable to the directions of this act.*

II. *And be it further enacted, That there shall be one or more inspectors of beef and pork in each city and county in the state, and also one inspector for the city of New-York, to inspect, pack and put up beef killed agreeable to the rites and customs of the people called Jews: And it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to make such appointment, and the persons so appointed shall hold their offices during the pleasure of the said council.*

III. *And be it further enacted, That the inspectors to be appointed for the cities and counties as aforesaid, shall also before they or either of them enter on the duties of his or their office, respectively give bonds, with sufficient surety, to the clerk of such city or county, for which he or they shall be so appointed, for the use of the people of this state, in the penal sum of twenty-five dollars, with condition for the faithful performance of their duty: And every inspector appointed by virtue of this act, shall before he enters upon the duties of his office, take and subscribe the following oath, before a mayor, recorder, alderman or some justice of the peace of the county where he shall reside, and lodge the same in the office of the clerk of such county: "I ——— do solemnly swear, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute the office and duty of an inspector and packer and repacker of beef and pork, according to the true intent and meaning of this act; and that I will not directly or indirectly brand or suffer to be branded, any casks of beef or pork, but what shall be found and good:" That the inspector of each city and county, in the month of June in every year, shall make a return to the person administering the government of this state, of the whole number of barrels and half-barrels of beef and pork, inspected according to the directions of this act, by him the year preceding, designating the different sorts of beef and pork, and the cities and counties in which the same was packed and inspected.*

IV. *And be it further enacted, That no beef which shall be killed after the fifteenth day of September next shall be packed or repacked in barrels or half-barrels, for exportation, unless it be of fat cattle, not under three years old; and that all such beef shall*

- be cut in square pieces, as nearly as may be, not exceeding twelve pounds weight nor less than four pounds weight : that all beef which city or county inspectors shall find on examination to have been killed at a proper age to be fat and merchantable, shall be sorted and divided in three different sorts for packing and repacking, in barrels and half-barrels, to be denominated mefs, prime, and cargo. Mefs beef shall consist of the choicest pieces of oxen, cows or steers, well fattened ; the shin, shoulder, clod and neck shall be taken from the fore quarter, and the legs and leg round from the hind quarters ; and each barrel or half-barrel containing beef of this description, shall be branded on one of the heads with the words, mefs beef : prime beef shall consist of choice pieces of oxen, steers, cows and heifers ; amongst which there shall not be more than half a neck and one shank, with the hock cut off, and one of the heads of all barrels or half-barrels containing beef of this description shall be branded with the words, prime beef : that cargo beef shall consist of fat cattle of all descriptions, of three years old and upwards, with not more than half a neck and three shanks without the hocks, in each barrel or half-barrel in proportion ; and to be otherwise merchantable, shall be branded on one of the heads with the words, cargo beef : and every barrel of beef shall be well salted, with seventy-five pounds of clean St. Ubes, Isle of May, Lisbon, or Turks Island salt, or other salt of equal quality, except in such places as is hereafter reserved, exclusive of a pickle made as strong as salt will make it ; and to each barrel of beef shall be added four ounces of salt-petre ; and each half-barrel of beef shall be salted with one half of the quantity and of the same quality of salt above mentioned, and two ounces of salt-petre : *And further*, That it shall be lawful to put up and export from this state a fourth quality of beef, to be denominated and marked heads, hearts and hocks, to consist of necks, hearts, and the meat of heads, which fourth quality shall be subject to the like management and inspection as the other qualities of beef are hereby made subject to.
- 18 V. *And be it further enacted*, That from and after the fifteenth day of September next, every barrel and half-barrel in which beef shall be packed or repacked shall be made of good seasoned white-oak or white-ash staves and heading, free from every defect ; and each barrel shall contain two hundred pounds weight of beef, the barrels to measure sixteen inches and a half between the chimes, and to be twenty-eight inches long ; to be hooped with twelve good hickory or white-oak hoops, if of ash or other timber, fourteen ; the heads to be made of good thick stuff, the hoops to be well set and drove, the half-barrels to contain not less than fifteen nor more than sixteen gallons, and hooped in the same manner as the whole barrels, and to contain one half the quantity of beef as the whole barrels.
- 19 VI. *And be it further enacted*, That one head of every barrel or half-barrel in which beef or pork is packed or repacked for exportation, shall be branded the weight it contains, with the first

letter of the christian name, and the fir-name, or both names at full length, of the inspector who has inspected the same, with the name of the city or county where it was inspected, in legible letters; also, the addition of New-York. *Provided always,* That all 20 beef killed according to the rites and customs of the people called Jews, shall be repacked and put up according to the directions of this act, and shall be branded with the additional brand of that society.

VII. *And be it further enacted,* That no inspector appointed by 21 virtue of this act, shall inspect or brand any cask of beef or pork out of the city or county for which he shall be appointed, under the penalty of twenty-five dollars: And if any person other than 22 the said inspectors shall brand any cask of beef or pork in the manner directed by this act, every person so offending shall forfeit the sum of one dollar for each and every cask so branded.

VIII. *And be it further enacted,* That every inspector shall have 23 twenty cents for each barrel, and twelve cents for each half-barrel of beef and pork he shall salt, pack, inspect and pickle, exclusive of cooperage; all which salting, packing, inspecting and pickling shall be paid by the owner.

IX. *And be it further enacted,* That if either of the inspectors 24 appointed by virtue of this act shall be guilty of any neglect or fraud in inspecting any beef or pork, contrary to the true intent and meaning of this act, or shall brand any cask containing beef or pork which has not been actually inspected agreeable to this act, he or they shall for every such offence forfeit and pay the sum of two dollars.

X. *And be it further enacted,* That if any person shall intermix, 25 take out or shift any beef or pork out of any cask inspected or branded as by this act is required, or put in any other beef or pork for sale or exportation, contrary to the intention of this act, the person or persons so offending shall for each and every such offence forfeit and pay the sum of ten dollars.

XI. *And be it further enacted,* That from and after the fifteenth 26 day of September next, every barrel and half-barrel in which pork shall be packed or repacked shall be made of good seasoned white-oak or white ash staves and heading, free from every defect; and each barrel shall contain two hundred pounds weight of pork, and shall not be of less gauge than thirty nor more than thirty-one gallons; and each half-barrel shall contain one hundred weight of pork, and shall not be of less gauge than fifteen nor more than sixteen gallons, and that said barrels and half-barrels shall in every respect be hooped and made in the same manner as is in this act provided for barrels and half-barrels for packing and repacking of beef.

XII. *And be it further enacted,* That there shall be three quali- 27 ties of pork known and distinguished by the names of mefs, prime and cargo pork; mefs pork to consist of the rib pieces of good fat 28 hogs only; barrels or half-barrels containing such pork shall be 29 branded on one of the heads mefs pork: prime pork to consist of 30

- the next best pieces with not more than three shoulders in one barrel, which shall contain no legs, nor more than twenty-four pounds of head, that shall have the ears cut off, and the snouts above the tusks, and the brains and bloody grizzle taken from out
- 31 of the heads ; and one of the heads of every such cask shall be
32 branded prime pork : And the third quality of pork shall be denominated cargo pork, in which there shall not be more in one barrel than four shoulders without the legs, as aforesaid, and not more than two heads, with the ears and snouts cut off, and brains and bloody grizzle taken out as aforesaid which heads shall not exceed thirty pounds weight, and shall be otherwise fat, merchant-
- 33 able pork, and shall be branded on one head of each such barrel
34 cargo pork ; and every half-barrel of mefs, prime or cargo pork shall contain one half of the quantity of the different kinds and qualities of pork of a whole barrel ; Pork so to be packed shall be cut in pieces as nearly square as may be : *Provided*, That no pieces of pork shall in weight exceed twenty nor be under four pounds
- 36 weight, and that each barrel and half-barrel of pork shall be salted and pickled with the same weight and quality of salt and the same kind of pickle as is in this act provided for packing and inspecting of beef ; and that each barrel and half-barrel of pork, when so inspected and packed, shall be branded in the same manner as is in this act provided for branding of beef, designating the different
- 37 qualities or denominations herein described : *Provided nevertheless*, That it shall and may be lawful for the inhabitants of Long-Island, to make use of red and black-oak staves and heading, free from sap, of the growth of said island, any thing herein contained to the contrary notwithstanding.
- 38 XIII. *And be it further enacted*, That the salt manufactured in the counties of Onondaga and Cayuga, may be used in the packing and putting up of beef and pork in the counties of Herkimer, Oneida, Tioga, Cayuga, Onondaga, Ontario, Steuben, Chenango, Otsego, Genesee and St. Lawrence, any thing in this act contained to the contrary notwithstanding.
- 39 XIV. *And be it further enacted*, That nothing in this act shall prevent the exportation of rounds of beef in kegs or tubs as is now practised.
- 40 XV. *And be it further enacted*, That all beef and pork that shall be brought into this state from any of the United States, and shall be packed and branded agreeable to the laws of the state it comes from, shall not be subject to re-inspection in this state, but may be sold in and shipped from this state : *Provided always*, That such beef or pork comes accompanied with a certificate on oath from the proper officer of such state, or a magistrate of such town, from which such beef and pork may be shipped for this state, certifying that such beef or pork is in every respect packed and branded agreeable to the laws of such state.
- 41 XVI. *And be it further enacted*, That every of the forfeitures and penalties aforesaid may be recovered with costs of suit, before any justice of the peace, or in any court having cognizance there-

of, by any person who will sue and prosecute for the same, one moiety of which said forfeitures and penalties when recovered shall be paid to the overseers of the poor of the city or town where the offence shall be committed, for the use of the poor thereof, and the other moiety thereof to such person as will sue for the same as aforesaid.

XVII. *And be it further enacted*, That from and after the fifteenth day of September next, all former laws, so far as they respect the inspection of beef and pork, be and are hereby repealed: *Provided nevertheless*, That they shall be considered as in full force with regard to all actions and prosecutions which may then be depending for any penalty or forfeiture incurred for the breach of the same. 42

XVIII. *And be it further enacted*, That no inspector or repacker of beef and pork, shall hereafter under any pretence whatever, buy or sell any beef or pork, excepting remnants which may be occasioned by the barrels over running or falling short of the weight required by law, except what such inspector may want for his own family consumption. 43

Supply-Bill.

C H A P. CIII.

C O N T E N T S .

23. Attornies and Counsellors, to be allowed no fees as witnesses in causes where they are attorney or counsel.
39. Attorney-General, to prosecute persons holding monies belonging to the state.
24. Albany county, 446.43 dolls. to be raised by tax in, to defray the expense of building a certain bridge.
25. Bethlehem, 300 dolls. may be raised therein, if inhabitants agree at town-meeting.
36. Committee for examining the treasurer's accounts, their compensation.
18. Comptroller directed to place certain monies at interest.
26. ----- To investigate and determine whether certain monies in the hands of J. Jay and A. V. Cortland belong to the state.
31. ----- To institute suits against J. Parkhurst and J. Hathaway, for the recovery of certain monies, unless paid within a limited time.---32. His duty in case of payment.---33. And in case of the re-assessment, collection and payment.
34. ----- How to publish the arrears of taxes.
38. ----- His duty with respect to persons holding monies belonging to the state.
7. Military lots, proprietors of, allowed to pay the surveying fees by the first of January next.---8. Then, in case of non-payment, surveyor-general's duty therein.
20. Officers of Government, additional allowance to.
30. Parkhurst, J. and J. Hathaway directed to pay into the treasury certain taxes in their hands.

TREASURER TO PAY, ON THE WARRANT OF THE COMPTROLLER,
AS FOLLOWS, VIZ. TO THE

2. Chaplains to the senate and assembly for their attendance.
11. Clerk of the assembly, 30 dolls. for making an index.---12. And a sum not exceeding 25 dolls. to defray the expense of publishing a certain act.
21. ----- Of the senate for making indexes.
28. Colt, Peter, and N. Sage 650.2 dolls. for monies expended in opening certain roads.
14. Comptroller, 78.13 dolls. for postage of letters.
22. ----- To pay stipulations with the Seneca Indians.
35. ----- In addition to his salary 500 dolls. per annum.
29. Cornwall, Lewis, for his costs in defending a suit in ejectment.
13. Council of Appointment, members of, for attendance during the recess of the legislature.
3. Governor, to defray incidental expenses of administering government.
6. Hogeboom, Killian, 78.74 dolls. with interest, for orders on G. Bancker.
9. Legislature, members and officers of, the like as at the last session.
10. Messenger and Door-Keeper, to the council of revision and council of appointment, for their services.
15. M'Lean, John, 32.20 dolls. for monies expended as commissary of military stores.---16. And a certain sum for monies erroneously paid for taxes.
17. Private Secretary to the governor, his salary.
37. Rent and Taxes on the house occupied by the governor.
19. Secretary, 43.75 dolls. for laws by him purchased for the state.
4. State Printer, for printing.---5. At what rate per sheet.
1. Surveyor-General 1250 dolls. for his salary.
40. Witnesses, allowance to, regulated.

An ACT for the Payment of certain Officers of Government, and for other Purposes.

Passed April 6th, 1803.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall, on the warrant of the comptroller, on or before the first day of July next, pay to Simeon De Witt, surveyor-general of this state, the sum of one thousand two hundred and fifty dollars, for his services in his said office from the first day of July last, to the first day of July next.
- II. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to such of the clergy as shall have attended the legislature as chaplains during the present session, the sum of two dollars and fifty cents for every day they have so attended, which sum shall be certified by the president of the senate or the speaker of the assembly.
- III. *And be it further enacted*, That it shall be lawful for the treasurer, on the warrant of the comptroller, to pay to the person administering the government of this state, to defray the incidental expenses which may arise in and about the administering

the government of this state, such sum or sums of money as he shall require, not exceeding the sum of seven hundred and fifty dollars.

IV. *And be it further enacted*, That the treasurer be and he is hereby required to pay to John Barber, printer to this state, such sum or sums of money as shall be certified by the comptroller to be due to him, for printing the laws and journals of the present session of the legislature, at and after the rate of ten dollars per sheet for every sheet of six hundred copies ; and also the further sum of five dollars per sheet for reprinting two hundred copies of the journals of senate and assembly, of which only four hundred copies were printed previous to the passing the concurrent resolution for augmenting the number ; and also for extra printing at the rate of four dollars for every sheet of one hundred and fifty copies.

V. *And be it further enacted*, That the treasurer pay to Killian Hogeboom, on the warrant of the comptroller, which warrant the comptroller is hereby directed to give, the sum of seventy-eight dollars and ninety-four cents, being the amount of balance remaining due and unpaid for a number of orders in possession of the said Killian Hogeboom, executed by several of the levies who rendered services during the revolutionary war, on Gerard Banker, formerly treasurer, for balances of pay due them, which orders appear to have been in conformity to the directions of the law relative to unclaimed certificates in the treasury ; which sum, together with interest, after the rate of five per cent per annum thereon, from the seventh day of March, one thousand seven hundred and eighty, to the seventh day of March, one thousand seven hundred and ninety-three, shall be paid out of any monies in the treasury not otherwise appropriated, in extinguishment of all his claims on that account.

VI. *And be it further enacted*, That it shall be lawful for the proprietors of the lots in the military tract out of each of which fifty acres are liable to be sold for the defraying the expenses of the surveys thereof, to pay to the treasurer of this state, on or before the first day of January next, the sum of six dollars for each lot in discharge of such expense of survey ; and if the said sum of six dollars shall not be paid on any lot or lots on or before such day, it shall be the duty of the surveyor-general to sell at public vendue fifty acres out of either of the corners of such lots, and to pay the monies arising from such sales into the treasury, and the surveyor-general shall cause this enacting clause, together with the time and place of such sales, to be previously published for the term of eight weeks in the newspaper printed by the printer to this state.

VII. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the president of the senate, the speaker of the assembly, and the members and attendant officers of the senate and assembly, the like sums respectively for each day's attendance and travelling at the present session that were allowed to them respectively the last session.

T

- 10 VIII. *And be it further enacted*, That the treasurer shall pay to the messenger and door-keeper of the council of revision and council of appointment, the like compensation per day as is allowed to the door-keeper of the senate and assembly.
- 11 IX. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the clerk of assembly the sum of thirty dollars, for making an index to the journal of the assembly of the present session, and also a sum not exceeding twenty-five dollars for defraying the expense of advertising the act, entitled "An act concerning the supreme court."
- 12 X. *And be it further enacted*, That the members of the council of appointment shall, for their attendance during the recess of the legislature, be entitled to receive the same allowance per day, and for travelling, as is allowed to the members of the legislature.
- 13 XI. *And be it further enacted*, That the treasurer shall pay to Elisha Jenkins, comptroller, the sum of seventy-eight dollars and thirteen cents, in full for the postage of letters relating to the office of comptroller, from the tenth day of August, one thousand eight hundred and one, to the thirtieth day of March, one thousand eight hundred and three.
- 14 XII. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to John M'Lean, commissary of military stores, the sum of thirty-two dollars and twenty cents, for monies by him the said commissary expended in the discharge of the duties of his office, and for which no provision by law exists for the payment; and also to the said John M'Lean the sum of seventeen dollars and twenty-six cents, which sum was by mistake twice paid into the treasury for taxes, once by the said John M'Lean and once by Robert R. Burnet.
- 15 XIII. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to the private secretary of the person administering the government of this state the like additional sum for his services from the first day of July last to the first day of July next, as was allowed to him the preceding year.
- 16 XIV. *And be it further enacted*, That it shall be lawful for the comptroller, to place at interest for a term not exceeding two years, on good real security, all such monies as are now or shall be received into the treasury for the use of common schools, from the proceeds of lotteries, agreeably to the act, entitled "An act for the encouragement of literature."
- 17 XV. *And be it further enacted*, That the treasurer of this state, shall on the warrant of the comptroller, pay to Thomas Tillotson, secretary of this state, the sum of forty-three dollars and seventy-five cents, for seventy copies of the laws passed at the last session of the legislature, agreeably to the directions contained in a concurrent resolution of the two houses at their present session.
- 18 XVI. *And be it further enacted*, That from the first day of July last to the first day of July next, there shall be allowed to the several officers of government, in addition to the annual salaries now allowed to them and each of them respectively, in and by the act,
- 19
- 20

entitled "An act for the support of government," passed April seventh, one thousand eight hundred and one, the following sums, to wit : To the chancellor the sum of five hundred dollars, to the chief justice the like sum, and to each of the other judges of the supreme court the sum of six hundred and twenty-five dollars.

XVII. *And be it further enacted,* That the treasurer shall on the 21 warrant of the comptroller, pay to the clerk of the senate the sum of twenty dollars, for making an index to the journal of the senate of the last session, with the like sum of twenty dollars for making an index to the journal of the senate of the present session of the legislature.

XVIII. *And be it further enacted,* That the treasurer shall pay 22 to the comptroller a sum not exceeding five thousand three hundred dollars, to enable him to fulfil the stipulations made by his excellency the governor, on behalf of this state, with the Seneca nation of Indians, in the treaty made the twentieth day of August last, and the expenses and stipulations of the treaty made with the Oneida tribe of Indians in June last, together with such interest as may have arisen thereupon.

XIX. *And be it further enacted,* That no attorney or counsel in 23 any cause shall be allowed any compensation as witness in any cause in which he shall be either attorney or counsel.

XX. *And be it further enacted,* That the supervisors of the city 24 and county of Albany, shall in the course of the present year, direct to be raised by a tax, on the freeholders and inhabitants of the said city and county, in the manner prescribed by law, the sum of four hundred and forty-six dollars and forty three cents ; and that the treasurer of the said county shall pay the same to David De Long, Solomon Russell and John Moak, the commissioners of highways for the town of Bethlehem, in the said county, to be applied towards defraying the expenses of erecting a new bridge across the Norman's kill, on the road leading from the city of Albany southward into the said town.

XXI. *And be it further enacted,* That in case the freeholders 25 and inhabitants of the said town of Bethlehem, shall at their next annual town-meeting, declare it to be necessary, it shall be lawful for the said supervisors to direct the further sum of three hundred dollars, to be raised in like manner by a tax on the freeholders and inhabitants of the said town, to be applied to such purposes as the said freeholders and inhabitants shall at their town-meeting order and direct.

And whereas, John Jay and Augustus Van Cortland have by 26 their communication to the legislature, that David Fowler, executed to Anne Chambers, a mortgage on a farm at Eastchester, to secure the payment of a bond therein mentioned, which said farm became the property of Joseph Gidney, and was afterwards sold by the commissioners of forfeitures to Stephen Ward, esquire ; and that the said Stephen Ward, esquire, purchased the said mortgage of the said John Jay and Augustus Van Cortland, executors of the said Anne Chambers, for the considera-

tion of five hundred and forty-four pounds nineteen shillings and two pence ; that the said executors have since satisfied themselves, that the money due on the said bond and mortgage, was paid to their testatrix in her life time ; wherefore having erroneously received the said money, they hold themselves liable to pay the same to the representatives of the said Stephen Ward : *And whereas*, It is suggested that the said money belongs to the people of this state : Therefore,

XXII. *Be it further enacted*, That the comptroller is hereby authorized and required, to ascertain whether the people of this state are entitled to the said money, and if he shall find that the said monies do belong to the people of this state, then in case the said John Jay and Augustus Van Cortland, shall pay the amount of the money received by them of the said Stephen Ward, with the interest thereon, into the treasury of this state, as well the said John Jay and Augustus Van Cortland, as their representatives and the representatives of the said Anne Chambers, shall be kept indemnified and saved harmless of and from all demands at any time, hereafter to be made on them or either or any of them, by the representatives of the said Stephen Ward, deceased.

28 XXIII. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, unto Peter Colt and Nathan Sage, commissioners appointed by the act, entitled "An act relative to the unappropriated lands of this state, to prevent intrusions and for other purposes," for opening and improving the roads therein mentioned, six hundred and fifty-four dollars and two cents, for which sum the comptroller in auditing their accounts, has certified they have made themselves responsible by contracts, made by them for opening and improving the said roads over and above the sum appropriated for that purpose, the remainder having been paid by him to the county of Oneida, for county and town charges.

29 XXIV. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to Lewis Cornwall the sum of four hundred fifteen dollars and forty cents, for his taxable costs and counsel fees in and about the defence of a suit in ejectment lately commenced against him for the recovery of lands sold by the commissioners of forfeitures of the southern district of this state, and which became forfeited by the attainder of David Colden of Queens county.

And whereas, Jonathan Parkhurst, collector of taxes for the town of Mexico, in the county of Oneida, in the year one thousand eight hundred collected two hundred and eighty-five dollars and ninety cents, which sum was not paid to the county treasurer by the time limited by law, two hundred dollars of which is in the hands of the said Jonathan Parkhurst, and the remainder in the hands of the said treasurer, for the recovery of which the said Jonathan has brought a suit : *And whereas*, It is represented that the said

sum of two hundred and eighty-five dollars and ninety cents has been re-assessed : Therefore,

XXV. *Be it further enacted*, That the said Jonathan Parkhurst 30 and Joshua Hatheway be and they are hereby required to pay into the treasury of this state, within six months from the time of passing of this act, the sums remaining in their hands respectively as aforesaid ; and in case of their neglect so to do, the comptroller 31 is hereby directed to cause suits to be instituted for the collection of the said monies, as for monies received to and for the use of the people of this state.

XXVI. *And be it further enacted*, That upon his the said Jon- 32 athan Parkhurst paying into the treasury the monies so remaining in his hands as aforesaid, and producing to the comptroller satisfactory evidence of his having discontinued the said suit against the said Joshua Hatheway, and paid him his legal costs accrued in the defence of the same, the comptroller shall draw his warrant on the treasurer in favour of the said Jonathan Parkhurst for the sum of one hundred dollars, which sum shall be deemed a full satisfaction of the sums heretofore granted to the said Jonathan, and the acts for his relief passed the fourth of April, one thousand eight hundred, and the eighth day of April, one thousand eight hundred and one, shall and are hereby, so far as relates to him the said Jonathan, and to the payment of monies to certain persons therein mentioned, be repealed.

XXVII. *And be it further enacted*, That whenever it shall ap- 33 pear to the comptroller that the said sums have been re-assessed, collected and paid into the treasury, it shall then be his duty to draw his warrant on the treasurer in favour of the persons of whom the said Jonathan Parkhurst collected the said sums of two hundred and eighty-five dollars and ninety cents, for their respective proportions of the sums to be paid into the treasury by the said Jonathan Parkhurst and Joshua Hatheway, in pursuance of this act.

XXVIII. *And be it further enacted*, That the notice to be given 34 of the sale of any real estate, for arrearages of taxes, shall be published in the manner prescribed by the eighteenth section of the act, entitled " An act for the assessment and collection of taxes," passed the eighth day of April, one thousand eight hundred and one, for the space of three months, and no longer ; and that five hun- 35 dred dollars be hereafter paid to the comptroller annually, in quarterly payments, by the treasurer of this state, on the warrant of the comptroller, so long as the above mentioned act continues in force, in consequence of the increased duties of the comptroller under that act, to be computed from the first day of January last.

XXIX. *And be it further enacted*, That the committee to ex- 36 amine the accounts of the treasurer be severally allowed at and after the rate of three dollars per day, for every day they shall be employed in that business.

XXX. *And be it further enacted*, That the treasurer shall pay, 37 on the warrant of the comptroller, the amount of the rent stipu-

lated to be paid for the house occupied by his excellency the governor for the current year, and the taxes thereon.

38 XXXI. *And be it further enacted*, That whensoever the comptroller of this state shall ascertain to his satisfaction, that any person or persons who have been or shall be intrusted with, or who have received or shall receive any monies belonging to this state, and who shall neglect or refuse to pay the balance due from him or them when thereunto required, that then it shall be lawful for the comptroller, and he is hereby required to give information
39 thereof to the attorney-general, who shall cause the same to be prosecuted and recovered, any thing in the act, entitled "An act relative to the office and duties of the comptroller of this state," to the contrary notwithstanding.

40 XXXII. *And be it further enacted*, That hereafter each person served with process to testify in any court of record within this state shall be entitled to receive as a compensation for his attendance and expenses, of such court, the daily allowance specified in the act regulating the fees of the several officers and ministers of justice within this state; and if any person being subpoenaed, upon being tendered with the amount of the said allowance, estimating each day's travelling to, attending at, and returning from such court, computing thirty miles to a day's travelling, and including one day's attendance only, shall not thereupon appear according to the tenor of the said process, without a lawful and reasonable excuse, shall incur the liability and penalty specified in the twentieth section of the act, entitled "An act for the amendment of the law and the better advancement of justice."

XXXIII. *And be it further enacted*, That so much of the several statutes, heretofore passed, as relate to witnesses fees and their reasonable expenses, to be allowed in any court of record within this state, and the first proviso in the fourth section of the act, entitled "An act to reduce certain laws concerning costs into one statute," are hereby repealed.

Oneida Indians.

C H A P. CIV.

An ACT for supplying the Oneida Indians with Corn.

Passed April 6th, 1803.

WHEREAS it is represented by the Oneida nation of Indians, that their crops of corn were cut off the last year; and that they have no means to purchase that necessary article, unless by monies from their annuity, which will become due in June next: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for his excellency the governor, on the application of the said Oneida

nation of Indians, from time to time and as often as he shall judge it necessary, to take such measures as he may deem proper for supplying the said Indians with corn, and for that purpose may draw his warrant on the treasurer for a sum not exceeding one thousand dollars, to be charged to the said Indians by the comptroller, and deducted from their annuity to be paid them in June next.

Onondaga Commissioners.

C H A P. CVIII.

C O N T E N T S.

4. Clerk to the Commissioners, how appointed---his duty and compensation.
- 6, 8. ----- Of Cayuga county, his duty with regard to certain deposits and records in his office.
10. ----- Of Montgomery county, directed to deliver a certain book in his office to the clerk of Cayuga county.
1. Commissioners, their powers, renewed to continue to the 1st April, 1804.
2. ----- To receive compensation for no longer time than three months.---3. Their compensation.
5. ----- When and where to hold a meeting.
7. ----- What their duty, if the clerk of Cayuga refuse to attend with records.
9. ----- To deposit their papers in the clerk's office of Cayuga county, when the term of the renewal of their powers is expired.

An ACT to revive the Powers of the Commissioners heretofore appointed to settle Disputes concerning the Titles to Lands in the County of Onondaga.

Passed April 6th, 1803.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the period limited by the last session of the act, entitled "An act to settle disputes concerning the titles to lands in the county of Onondaga," shall be and is hereby further extended until the first day of April, one thousand eight hundred and four: *Provided nevertheless*, That the commissioners appointed by and in pursuance of the said act, shall not be allowed any compensation for any time beyond three months, for services during the said period; which compensation shall be at the rate of three dollars per day to each of the said commissioners.
- II. *And be it further enacted*, That the said commissioners shall be and hereby are authorized to appoint a clerk, whose duty it shall be to keep the minutes of the board, and to complete such awards as shall be from time to time given to him by the said commissioners; and that the said clerk shall be allowed such compen-

fation for his services as was allowed by law to the clerk heretofore appointed.

- 5 III. *And be it further enacted*, That the said commissioners shall
 6 hold a meeting at the city of Albany, to commence on the third
 Tuesday in November next, and that it shall be the duty of the
 clerk of Cayuga to attend such meeting, with the deposits and
 records of the late county of Onondaga now remaining with
 him, unless he shall, on or before the first day of September next,
 give notice in writing to the said commissioners, or one of them,
 7 that he declines doing the same, in which case the said commis-
 sioners, or any two of them, shall be and hereby are authorized
 to nominate and appoint some fit and proper person to receive the
 8 said deposits and papers from the said clerk; and the said clerk
 shall deliver over the said deposits and papers, and all books relat-
 ing to the same, to the person so to be appointed; and the said
 deposits, papers and books, when so delivered, shall be and remain
 with the person so authorized, or with such person or persons as
 shall be named for such purpose by the said commissioners, or any
 two of them.
- 9 IV. *And be it further enacted*, That the said commissioners
 shall, at the expiration of the said period, deposit all the books,
 writings and papers in the office of the clerk of the county of
 10 Cayuga, which shall relate to the duties of their office: And it
 shall be the duty of the clerk of the county of Montgomery to de-
 liver to the clerk of the county of Cayuga the book filed in the
 office of the clerk of the county of Montgomery, in pursuance of
 the fifth section of an act, entitled "An act to appropriate the
 lands set apart to the use of the troops of the line of this state late-
 ly serving in the army of the United States, and for other pur-
 poses therein mentioned," passed the twenty-eighth day of Febru-
 ary, one thousand seven hundred and eighty-nine.

Boundary Line, etc.

C H A P. CIX.

C O N T E N T S.

1. Boundary Line between Dutchess and Westchester, how to be run and established.
2. ----- Running of, not to affect any title to lands, &c.
3. ----- Costs of running, by whom borne.
4. Cayuga county, prisoners of, may be confined in Ontario gaol.
5. ----- Treasurer of, to pay the treasurer of Ontario for the use of the gaol.
6. ----- So much of a certain section of a certain act as relates to the gaol of, repealed.
7. ----- To be at the expense of repairing breaches made in Ontario gaol by its prisoners.

An ACT to establish the Boundary Line between the County of Dutchess and the County of Westchester, and for other Purposes.

Passed April 6th, 1803.

WHEREAS disputes and difficulties have arisen relative to the northeast bounds of the county of Westchester and the southeast bounds of the county of Dutchess.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the supervisor of the town of North-Salem, in the county of Westchester, and the supervisor of the town of Southeast, in the county of Dutchess, shall be and hereby are required to nominate and appoint a skilful surveyor; and the surveyor so appointed by the said supervisors shall commence at the twenty mile monument, on the north line of the manor of Cortlandt, and continue the same line eastwardly to the boundary line between this state and the state of Connecticut, and the line so established shall be the boundary line between the county of Westchester and Dutchess: *Provided nevertheless,* That nothing in this act shall be taken to affect or alter any title to any land, tenements or hereditaments; and the costs of making said survey, shall be paid by Gilbert Field, Comfort Field and Nehemiah Field.

II. *And be it further enacted,* That it shall and may be lawful for all courts and officers of the county of Cayuga, in all cases civil, military and criminal, to confine their prisoners in the gaol of the county of Ontario, until further legislative provision shall be made in the premises.

III. *And be it further enacted,* That the treasurer of the county of Cayuga, shall annually on the second Tuesday of May in every year, during the continuance of this act, pay to the treasurer of the county of Ontario, for the use of said county, the sum of fifteen dollars, which sum shall be levied and collected of the freeholders and inhabitants of said county of Cayuga, in the same manner as other contingent charges are by law directed to be levied and collected.

IV. *And be it further enacted,* That so much of the second section of the act, entitled "An act relative to gaols," passed the 30th March, 1801, as relates to the building now established as the gaol of Cayuga, be and hereby is repealed: *Provided,* That nothing in this act contained, shall prohibit the sheriff of the said county of Cayuga, to prevent his prisoners from having the liberties of the gaol of the said county, as the same are now established.

V. *And be it further enacted,* That in case of any breach made in the gaol of the said county of Ontario, by any prisoner confined in the said gaol, by the sheriff, or any other peace officer in and for the county of Cayuga, the said county of Cayuga shall be at the expense of repairing such breach, and that the money for that purpose shall be ordered by the supervisors of the said county of Cayuga, to be raised and paid as part of the contingent charges of the said county.

Accounts between Clinton and Essex.

C H A P. XLI.

C O N T E N T S.

3. Supervisors, Judges and Treasurers, their compensation.
1. Supervisors, to meet with a judge from each of the counties, for the settlement of certain accounts.
4. ----- Of the county found in debt, their duty.
- 2, 5. Treasurers, their duty.---6. Compensation for services.

An ACT further to amend an Act, entitled "An Act to divide the County of Clinton."

Passed March 19th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That one of the judges of each of the courts of common pleas of the counties of Clinton and Essex, and the supervisors of the several towns in each of the said counties, or a major part of them, are hereby authorized and required to meet on the first Tuesday of September next, at the house of Isaac Wright, innkeeper, in the town of Chesterfield, in the county of Essex, and there examine and settle the accounts existing at the time of the division of the said county of Clinton, and otherwise accrued in consequence thereof, and ascertain the balance including the lawful interest on the same, by writing under their signatures, to be filed in the supervisors' books of each of their respective counties; and that it shall be the duty of the treasurers of the respective counties, and they are hereby required, to meet with the judges and supervisors with the books and accounts of the said counties.

II. *And be it further enacted*, That the said judges, supervisors and treasurers, shall be entitled to receive for their services, two dollars per day for the time they shall be necessarily employed therein, and two dollars for every twenty miles they shall travel from and to the place of their residence: *Provided*, The distance from the said Isaac Wright's is not less than ten miles; and the same shall be a lawful charge against the said counties respectively.

III. *And be it further enacted*, That it shall be the duty of the supervisors of the county that shall be found indebted, and they are hereby required at their next annual meeting, to cause the said sum of money so found, together with the additional sum of five cents for each dollar, for collecting the same, to be levied and collected in the said county, as other contingent charges of the said county are by law directed to be levied and collected; and the said money shall be paid to the treasurer of the said county.

IV. *And be it further enacted*, That the said treasurer is hereby authorized and directed to pay the said sum of money to the trea-

surer of the county entitled to receive the same, for the use of the said county, on or before the fifteenth day of April, in the year of our Lord one thousand eight hundred and four.

V. *And be it further enacted*, That the treasurers of the said 6 counties shall be allowed to retain in their hands one cent on every dollar, for receiving in and paying out the same.

Town-Meetings in Montgomery, &c.

C H A P. XCII.

CONTENTS.

1. Town-Meetings, day of holding, altered.
2. Supervisors directed to cause 150 dolls. to be raised, by tax, in Johnstown, for the support of the poor thereof.

An ACT to alter the Time of holding Town-Meetings in the different Towns in the County of Montgomery, and for other Purposes.

Passed April 5th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all future annual town-meetings, to be holden in the different towns in the county of Montgomery, shall be holden on the first Tuesday in April in every year, and that all business relating to the said towns, which would otherwise be transacted on the last Tuesday in February, shall be transacted on the last Tuesday in March in every year hereafter. 1

II. *And be it further enacted*, That the board of supervisors for the county of Montgomery, be and they are hereby authorized and required, at their annual meeting in October next, to cause to be levied and collected from the inhabitants of the town of Johnstown, the sum of one hundred and fifty dollars, for the support of the poor of said town, together with five cents on each dollar for the collection of the same, which sum the collector of said town is hereby directed and required to pay to the overseers of the poor of said town. 2

Islands ceded to the United States.

C H A P. LIV.

An ACT to cede the Jurisdiction of Great-Gull Island and Little-Gull Island to the United States of America, for the Purposes therein mentioned.

Passed March 26th, 1803.

WHEREAS the United States have purchased the islands herein after mentioned, for the purpose of erecting a

light-house on one of them ; *And whereas*, It is meet and proper that the jurisdiction of this state in and over the said islands, should be made to the United States under certain limitations for the purpose aforesaid : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the jurisdiction in and over all those two certain islands, situate in the county of Suffolk, commonly known by the names of Great-Gull island and Little-Gull island, bounded on all sides by the waters of the East river, shall be, and hereby is ceded to the United States of America : *Provided nevertheless*, That such jurisdiction, so ceded as aforesaid, shall not extend or be construed to extend so as to impede or prevent the execution of any process, civil or criminal, under the authority of this state, except so far forth as such process may affect any the real or personal property of the United States within the said islands.

Grants of Lands.

C H A P. XXXIX.

An ACT granting a certain Island in the Hudson River, to Solomon Smith.

Passed March 19th, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the surveyor-general, and he is hereby directed to execute a conveyance, in behalf of the people of this state, to Solomon Smith, his heirs and assigns, of all their right and title to a certain island in the Hudson river, near the east bank thereof, in the town of Greenwich, in the county of Washington, belonging to the people of this state, lying opposite the mouth of Stone-kill, at the northwest corner of Campbell's patent, in the town aforesaid, being one chain and twenty-five links, from the east bank of said river, and twenty-four chains in length, and two chains and fifty links in breadth at its widest place, containing, by estimation, three acres of land, be the same more or less; upon the said Solomon Smith's producing to him a certificate, signed by the treasurer of this state, certifying that he has paid into the treasury, as a consideration for the same, the sum of fifty dollars : *And provided also*, That it shall not be lawful for the said Solomon Smith, his heirs or assigns, to hinder any person or persons coming down said river with timber or rafts, from making fast their timber or rafts on any part of said island, or to receive any compensation for their so doing ; any thing in this act contained to the contrary notwithstanding.

C H A P. XLV.

CONTENTS.

- 2, 6. Appraisement, how made.
- 4, 8. Appraisers, their compensation and by whom paid.
- 3, 7. Consideration, when and how paid and secured.
9. ----- If all paid, treasurer directed to receive it, and cancel mortgage.
- 4, 8. Expenses to be borne by the grantees.
 1. Land-Office, commissioners of, directed to grant a tract of land to S. Townsend.
 5. ----- To grant to H. Townsend a tract on certain conditions.
 10. ----- To have satisfactory proof that no other settlements but those of the grantees are on the lands.

An ACT authorizing a Grant of Lands to Solomon Townsend and Henry Townsend.

Passed March 22d, 1803.

WHEREAS Solomon Townsend, by his petition to the legislature, hath stated, that he had purchased a tract of land from the trustees of Ringwood company, under the title of the proprietors of Cheesecock's patent in the county of Orange, and two other tracts of land from persons holding under the same patent, the southern boundary of which patent, by a late determination, leaves a considerable portion of said lands so purchased by the petitioner without the patent of Cheesecocks; and whereas it appears to the legislature that those lands so cut off by said line are uninhabited, and belong to the people of this state, and the said Solomon Townsend being willing to give the just and full value thereof: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land-office and they are hereby directed to grant letters patent to the said Solomon Townsend, for a tract not exceeding five thousand acres of land, lying in the counties of Orange and Rockland, if any such there shall appear to be on a survey thereof, to be made by the surveyor-general of this state of the said vacant land, for such sum as shall be judged to be the value thereof, by a majority of three reputable freeholders not interested in the land, under oath, to be appointed for the appraisement thereof, by the judges of the court of common pleas in and for the said county of Orange, or any three of them, of which sum at least one half shall be paid to the treasurer of this state previous to the issuing of such letters patent, and the remainder be made payable, with interest at the rate of six per cent per annum, payable yearly, within five years thereafter, and secured by mortgage in the manner heretofore prescribed by law for securing the consideration monies for lands sold on behalf of this state in the late Indian reservations.

- 4 II. *And be it further enacted,* That the appraisers to be appointed as aforesaid shall be allowed at the rate of three dollars to each of them per day for their respective services and expenses, to be paid by the said Solomon Townsend, together with all other expenses attending the surveying and granting of the premises.

And whereas, It is represented to the legislature, that there is a certain tract of vacant land belonging to the people of this state, lying in the mountains in the town of Cornwall, in the county of Orange, and is bounded by lands anciently granted to John Neilson and Vincent Mathews, Smith and Wilkin, and Moore and Metcalfe, and that the same will be more beneficial to Henry Townsend than to any other person, on account of their proximity to his iron works, and being willing to pay the just value therefor: Therefore,

- 5 III. *Be it further enacted,* That it shall and may be lawful for the commissioners of the land-office, and they are hereby directed to grant letters patent to the said Henry Townsend for a tract not exceeding nine hundred acres of land, in the said county of Orange, if any such there shall appear to be, on a survey thereof to be made by the surveyor-general of this state, of the said vacant lands, for such sum as shall be judged to be the value thereof by a majority of three reputable freeholders, not interested in the land, under oath, to be appointed for the appraisement thereof by the judges of the said court of common pleas, or any three of them, of which sum at least one half shall be paid to the treasurer of this state previous to the issuing of such letters patent, and the remainder be made payable, with interest at the rate of six per cent per annum, payable yearly, within five years thereafter, and secured by mortgage in the manner heretofore prescribed by law for securing the consideration monies for lands sold on behalf of this state in the late Indian reservations.
- 8 IV. *And be it further enacted,* That the appraisers to be appointed as aforesaid shall be allowed at the rate of three dollars to each of them per day, for their respective services and expenses, to be paid by the said Henry Townsend, together with all the expenses attending the surveying and granting of the premises.
- 9 V. *And be it further enacted,* That if the said Solomon Townsend or Henry Townsend, or either of them, shall pay into the treasury of this state the whole of the consideration money and the interest due thereon, at any time after the said survey and valuation shall be made, it shall be the duty of the said treasurer to receive the same, and if the mortgages should be executed, on payment thereof they shall be and are hereby directed to be cancelled.
- 10 VI. *And be it further enacted,* That the said Solomon Townsend and the said Henry Townsend respectively, shall give satisfactory proof to the said commissioners of the land-office, previous to the issuing the said letters patent, that there are no actual settlements made on the said lands other than such persons

as have been placed thereon by the said Solomon Townsend or Henry Townsend, or holding under them.

C H A P. LXIV.

C O N T E N T S.

4. Dam, Samuel Messenger, jun. authorized to build, over the Chittiningo creek.
5. ----- To be so constructed as to admit the passage of boats, &c.
3. Land-Office, commissioners of, to grant letters patent to Samuel Messenger, Jun. on certain conditions.
6. Penalty for building the dam contrary to the meaning of this act.
7. ----- For unreasonably delaying the passage of boats.
1. Surveyor-General to make a survey.---2. To appraise the land, and make return to the commissioners of the land-office.

An ACT authorizing a Grant of Land to Samuel Messenger, junior, and the Privilege of Damming the Chittiningo Creek, with certain Restrictions.

Passed March 31st, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the surveyor-general, and he is hereby required, as soon as may be after the passing this act, to lay out and survey a tract of land not exceeding one hundred acres, on the east side of the Chittiningo creek; and opposite to lands now owned by Samuel Messenger, junior, on lot number sixteen, in the town of Manlius, in the county of Onondaga, in such manner and form as will best enable the said Samuel Messenger, junior, to build a mill or mills; and when so laid out, he shall appraise the same, with the advantages of the water and mill seat or mill seats belonging to the state, and make return thereof to the commissioners of the land-office: *Provided*, The said land shall not be so laid out as to include the improvements made thereon, without the consent of the occupants thereof.

II. *And be it further enacted*, That when the surveyor-general hath made such return it shall and may be lawful for the commissioners of the land-office to grant letters patent to Samuel Messenger, junior, his heirs and assigns, of such and so much land as shall be so laid out, surveyed and returned by the said surveyor-general as aforesaid: *Provided*, The said Samuel Messenger, junior, shall first have paid the expenses of surveying and appraisal of one fifth part, and secured to the people of the state the remainder of the value of said land as appraised, by such bonds and mortgages as are commonly taken for lands in the Oneida and Onondaga reservations.

III. *And be it further enacted*, That it shall and may be lawful for the said Samuel Messenger, junior, to build a dam across the said Chittiningo creek, beginning on the land now owned by the said Samuel Messenger, junior, on the said number sixteen: *Pro-*

- 5 *vided nevertheless*, That such dam shall be so constructed as not to prevent the passage of fish up said creek ; *And further*, Whenever said creek shall be used as a public highway, shall make a sufficient lock for the passage of boats up and down the same.
- 6 IV. *And be it further enacted*, That if the said Samuel Messenger, junior, his heirs or assigns, shall construct a dam across said creek, different from the true construction and meaning of this act, he, she or they shall be deemed to be guilty of a misdemeanor, and shall be punishable by indictment or otherwise.
- 7 V. *And be it further enacted*, That if the said Samuel Messenger, junior, his heirs or assigns, shall unreasonably delay the passage of any boat, passing up or down said creek, for the space of two hours, he, she or they shall, for every such offence, forfeit the sum of five dollars, to be recovered in an action of debt, in the name and to the use of such person so unreasonably delayed.

Unappropriated Lands.

C H A P. CVI.

C O N T E N T S .

6. Appraisements, &c. copy of to be filed in the secretary's office.
54. Bell, Robert, deceased, right of the state to his estate, relinquished to his heirs, on certain conditions.
55. De Sylva, Joseph, land-office to grant him a certain tract of land on certain conditions.
44. Doxteder, Sarah, land-office to grant 100 acres of land to.
17. Forfeitures incurred by purchasers neglecting to make the first payment.---23. By purchasers neglecting to pay instalments.
30. Governor authorized to cede to the United States lands at Niagara.
51. Harp, George, land-office to grant a certain lot to.
18. Improvements exceeding in value 25 dolls. to be paid for by purchasers.---19. Value of, how ascertained.
49. Indian Reservations, lands in not otherwise directed to be sold, how to be sold.---52. To be sold in the county where the lands lay.---48. To be granted to occupants on certain conditions.
45. Kern, Michael, land-office to grant 50 acres of land to.
1. Land-Office, may direct the surveyor-general to cause surveys to be made of any of the unappropriated lands of the state.---
2. Lots not to exceed 200 acres.
3. ----- May direct the surveyor-general to sell the unappropriated lands at auction.---4. Quantity to be sold at one time limited.
7. ----- To furnish the surveyor-general with a list of prices below which he may not sell.
16. ----- When to issue letters patent to the purchasers.---20. Inhibited from issuing letters patent until improvements are paid for.
22. ----- Their duty when instalments are not paid.
38. ----- To lease the ferry at Black Rock.

39. Land-Office, inhibited from selling the landing and carrying places on the Niagara river.
40. ----- May receive proposals for leasing the ferry, &c. opposite Queenstown.---41. Terms.---42. To advertise terms.
9. Maps to be put up in the secretary's office.---10. After the sale of the lands, to be filed in his and the secretary's office.
29. Oneida Indians, stipulations of a certain Treaty with, ratified.---46. Annual appropriation of 300 dollars made for.
27. Oneida Reservation, lots already surveyed in, may be sold.
31. Parish, Jasper, and H. Jones, certain lands to be granted to.
14. Purchasers, how to make payment and give bond.---17. Forfeiture to be incurred by, in case of non-payment.
26. Salina, land-office authorized to direct the lots in to be sold.
29. Seneca Indians, stipulations of a certain treaty with, confirmed.
32. ----- And others of the Six Nations, to pass certain turnpike roads, bridges and ferries, toll free.
33. Seneca River, penalty on persons for obstructing the passage of of Salmon up.---34. Obstructions already made in, to be removed.
35. Stidman's Farm to be sold for a term of years by the surveyor-general.---36. Purchaser of to give security.
8. Surveyor-General to cause maps of the tracts of land which are to be surveyed and sold, to be made and put up.
11. ----- To sell lands to the highest bidder.---13. But for not less than the appraisement.
12. ----- How to publish the time, place, and conditions of sale---Conditions specified.
15. ----- To give certificates to purchasers.
21. ----- To deliver obligations to the comptroller.
24. ----- His expenses for surveys and sales, how paid.
25. ----- To account with the comptroller for monies which he may receive for expenses.
23. ----- His reports to the legislature under a certain act, to be filed in the secretary's office.
37. ----- To convey a certain quantity of land to three certain Indians, on certain conditions.
43. ----- To sell the lots in the village laid out on the Niagara river.
49. ----- How to sell the lands in the Indian reservations, not otherwise directed to be sold.---50. What sum to be paid immediately after sale.
53. ----- To pay purchase monies into the treasury.
5. Surveyors, who make surveys, to make appraisements, &c.
47. Wemple, Myndert, land-office to grant a certain tract of land.

An ACT for the Sale of the unappropriated Lands, and for other Purposes.

Passed April 6th, 1803.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land office (and they are hereby required) from time to time, and as often as they shall judge it to be for the interest of the state, to direct the surveyor-general to cause actual surveys to be made of such parts of the unappropriated lands of this state into lots of such number of acres as they shall

- 2 judge proper for the purpose hereafter mentioned : *Provided al-*
ways, That no lot shall exceed in quantity two hundred acres.
- 3 II. *And be it further enacted*, That it shall be lawful for the
commissioners of the land-office, from time to time, to direct the
surveyor-general to sell the unappropriated lands belonging to
this state, and not otherwise directed to be disposed of, at public
vendue, in such parcels as they shall deem most for the interest
of the state, and for the promotion of the settlement thereof :
- 4 *Provided*, That not more than twenty thousand acres shall be sold
at one vendue, and that no one parcel of such land, exceeding
two hundred acres, shall be separately exposed to sale.
- 5 III. *And be it further enacted*, That it shall be the duty of the
surveyors who shall survey any unappropriated lands in order to
a sale thereof, pursuant to this act, to appraise the value of each
lot, exclusive of the improvements thereon, (in case such im-
provements exceed the value of sixty dollars) which appraisement
they shall deliver, together with the returns of such surveys and
maps of the lots so surveyed, and a field book containing an ac-
count of the soil, timber and local advantages of each lot to the
- 6 surveyor-general ; a copy whereof shall be filed in the secretary's
office, for the private information of the commissioners of the
land-office.
- 7 IV. *And be it further enacted*, That the commissioners of the
land-office, shall previous to every sale, furnish the surveyor-gen-
eral with an account of the prices, below which it shall not be law-
ful for him to sell any of the said lots.
- 8 V. *And be it further enacted*, That the surveyor-general shall
make, or cause to be made, a map of each of the said tracts so to
be surveyed as aforesaid, distinguishing on such maps the town
9 and county in which such lots are situate ; which maps shall be
fixed up in the said surveyor-general's office, and one copy, to be
furnished by him, shall also be fixed up in the office of the secre-
tary of this state, to be inspected by any person whatsoever every
day, Sundays excepted, during the stated hours of doing business
- 10 in the said office ; and the said maps shall after the sale of the
land described thereon, be filed in the offices of the said survey-
or-general and secretary respectively.
- 11 VI. *And be it further enacted*, That the land directed to be sold
as aforesaid, shall be sold by the surveyor-general, to the highest
- 12 bidders at public vendue ; of the time, place and conditions of
which sales, eight weeks previous notice shall be given in the
newspaper published by the printer of the state, and in one other
newspaper published in the city of Albany, and in one other in
the city of New-York, and all the newspapers published in the
several counties where the lands to be sold are situate ; and every
sale so to be made, shall be on the condition that in forty-eight
hours thereafter the one eighth part of the consideration money
be paid to the surveyor-general, and the remainder in six equal
payments, in each successive year thereafter, with interest, at the
- 13 rate of six per cent per annum : *Provided*, That nothing in this

clause contained, shall be construed to authorize the sale of any of the said lands under the appraised value thereof as herein before directed.

VII. *And be it further enacted,* That within forty-eight hours 14 after each sale, the purchaser of each tract shall pay to the surveyor-general the said one eighth part of the purchase money, and execute a penal obligation, conditioned for the payment of the residue to the people of the state of New-York in manner 15 aforesaid; and on delivery of such obligation to the surveyor-general, and on receipt of such payment, he shall give such purchaser a certificate containing the name of the purchaser, a description 16 of the land purchased, and the price bid for the same; and whenever any such purchaser, or his legal representative, or assigns, shall produce such certificate to the commissioners of the land-office, with a receipt or receipts of the treasurer indorsed thereon, for the whole of the purchase money, it shall be the duty of the commissioners of the land-office to cancel such obligation, and to 17 cause letters patent to issue for the lands described in such certificates; and if any purchaser shall refuse or neglect to make such payment, and to deliver such obligation to the surveyor-general as aforesaid, he shall, for every such refusal or neglect, forfeit the sum of fifty dollars, for each lot so by him purchased, to be recovered with costs of suit by the surveyor-general, in an action of debt, in any court having cognizance thereof, at the expense 18 and for the use of the people of this state.

VIII. *And be it further enacted,* That if any tract of land to be 18 sold as aforesaid, shall be occupied and improved at the time of passing this act, to the value of twenty-five dollars, the occupant of such improvement shall be entitled to recover from the purchaser, the value thereof, at the time of such sale, to be ascertained 19 by appraisers, one of whom to be nominated by such occupant, another by the purchaser, and a third, in case of their disagreement, by the other two; and if either such occupant or purchaser shall, on the application of the other, refuse or neglect to make such nomination, and such neglect or refusal shall be proven to the satisfaction of the surveyor-general, the surveyor-general, shall appoint appraisers to ascertain the value of such improvement, for the purpose aforesaid, and the purchaser and occupant shall each pay one half of the expense of such appraisement: and 20 the commissioners of the land-office are inhibited from causing letters patent to be issued for any such tract of land, until satisfactory proof be produced that the purchaser has in manner aforesaid, or otherwise, satisfied the occupant of such tract for his improvements thereon, according to the true intent of this act.

IX. *And be it further enacted,* That the surveyor-general shall 21 deliver the obligations which he shall receive as aforesaid to the comptroller; and if any one payment stipulated in any such obligation shall remain due one year after the same ought to have 22 been made, the commissioners of the land-office shall either direct the comptroller to put such obligations in suit, or the surveyor-

- general to sell in manner aforesaid, the land for the payment of which such obligation shall have been given : *And further*, That all previous payments made on account of the same land shall be forfeited to the people of this state.
- 24 X. *And be it further enacted*, That in order to enable the surveyor-general to make the surveys and sales directed by this act, the commissioners of the land-office shall from time to time certify to the comptroller the sums of money estimated for the expenses of the surveys and sales to be made as aforesaid, whereupon the comptroller shall issue his warrant on the treasurer in favour of
- 25 the surveyor-general, for the monies so certified, for which he shall account with the comptroller.
- 26 XI. *And be it further enacted*, That the power given to the commissioners of the land-office by virtue of this act, to direct the sale of unappropriated lands, shall be and hereby is extended to the lots laid out in the village of Salina, and not otherwise directed to be
- 27 disposed of by this act ; to the lands already surveyed in the Oneida reservation ; and that the surveyor-general's appraisement of the lands last mentioned, as reported to the legislature, shall be the standard price, below which the same lands shall not be
- 28 fold : *And further*, That the report of the surveyor-general, and the papers accompanying the same, made to the legislature during the present session, pursuant to the act, entitled " An act relative to the unappropriated lands of this state ; to prevent intrusions, and for other purposes," shall be filed and remain of record in the office of the secretary of this state.
- 29 XII. *And be it further enacted*, That the stipulations and agreements on the behalf of this state by the agents thereof, contained in a treaty made with the Oneida nation of Indians on the fourth day of June last past, and the agreements and stipulations contained in the treaty made by his excellency the governor, on the behalf of this state, with the Seneca nation of Indians, on the twentieth day of August last past, and filed in the secretary's office of this state, be and the same are hereby ratified and confirmed.
- 30 XIII. *And be it further enacted*, That his excellency the governor be and he is hereby empowered to agree with such person or persons as shall be authorized by the United States for that purpose, for the sale of such quantity of the lands adjoining the Fort-Niagara, as shall be necessary for the accommodation of that post, and to cede the right of the people of this state to the said lands to the United States.
- 31 XIV. *And be it further enacted*, That the commissioners of the land-office shall issue letters patent to Jasper Parish and Horatio Jones, their heirs and assigns respectively, for the tracts of land which are stipulated by the said treaty with the Seneca nation of Indians to be granted to them.
- 32 XV. *And be it further enacted*, That it shall and may be lawful for the Senecas and other Indians of the six nations, to pass and repass on their lawful business, on any turnpike road which may hereafter be established from the town of Canandaigua to Buffaloe

creek or its vicinity, and over any toll-bridge that may be erected between those places, and also at the ferry across the Niagara river at or near Black rock, and at such other place or places in the vicinity of Black rock, where any ferry shall hereafter be erected, free of toll and ferriage, at all seasonable times of the day, and when the boats at such ferries are crossing with other passengers or with freight : *And whereas*, Complaints have been made by the Indians of the six nations, that obstructions are created in the Seneca river, whereby salmon are prevented from going up the said river : Therefore,

XVI. *Be it further enacted*, That if any person or persons shall 33 make any obstruction in the said river, whereby the salmon may be prevented from going up the said river, the person or persons creating such obstructions shall for every offence forfeit the sum of one hundred dollars, to be recovered in an action of debt, by any person who shall sue for the same in any court having cognizance thereof, together with the costs of suit : *And further*, That all ob- 34 structions which have heretofore been made in the said river, whereby salmon are prevented from going up the said river, shall be removed so as to leave a free passage for salmon up the river, within twelve months from the time of passing this act, in default whereof the person or persons who have made such obstructions, shall forfeit the sum of one hundred dollars, to be recovered in like manner as aforesaid.

XVII. *And be it further enacted*, That the tract of land called 35 Stidman's farm, lying on the Niagara river, shall be sold by the surveyor-general at public vendue to the highest bidder, for a term not exceeding eight years ; and that the surveyor-general and the purchaser shall mutually execute and interchange leases for the same, with such covenants and provisos as the commissioners of the land-office shall direct : *And further*, That the purchaser 36 shall give such security to the people of this state as shall be required and approved of by the surveyor-general, for the fulfilment of the conditions and agreements in the said lease : *And whereas*, Martenus Rotskin, Hanyost Decanonfongoth and Isaac Shorewasken, Indians of the Oneida nation, have petitioned the legislature that certain parcels of land in the tract last ceded to the people of this state by the Oneida nation of Indians, may be granted to them respectively, for their separate use : Therefore,

XVIII. *Be it further enacted*, That it shall be lawful for the 37 surveyor-general to convey to the above named three Indians, and their respective heirs, three hundred and twenty acres of the tract of land last mentioned, in the following proportions, that is to say : To the said Martenus one hundred and sixty acres, to the said Hanyost and said Isaac, each eighty acres, at a price fifty per cent less than the valuation of the said land expressed in the surveyor-general's report to the legislature : *Provided nevertheless*, That the said three Indians shall respectively, at or before the delivery of the said conveyances, pay into the treasury the eighth part of the purchase money, and execute mortgages to the people

of this state, to secure the payment of the residue in three equal yearly instalments, with interest, at the rate of six per cent: *And provided further*, that the said three Indians, shall be and hereby are interdicted from alienating the said lands.

- 38 XIX. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office, to lease the ferry at or near Black rock, on the Niagara river, together with one hundred acres of land, to be laid out north of and adjoining the lands which may be ceded to the United States for a military post, and to extend from the said river to the Holland purchase, for such a term not exceeding eight years, and upon such conditions as they shall judge reasonable.
- 39 XX. *And be it further enacted*, That the sale of the several farms and landing and carrying places on the Niagara river, together with such quantities of land adjoining the same as the commissioners of the land-office shall deem necessary for the accommodation of ferries, landing and carrying places, is hereby inhibited.
- 40 XXI. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office to receive proposals in writing for leasing the old carrying and landing places, and the ferry across the Niagara river, opposite to Queenstown, at the village laid out by the surveyor-general on the said Niagara river; together with such tracts of land in the vicinity thereof, as the said commissioners shall deem reasonable: *Provided always*, That each tract shall contain not less than two hundred and fifty acres, nor include more of the village lots than may be necessary for the erection and accommodation of the wharf and store houses herein after mentioned.
- 41 XXII. *And be it further enacted*, That it shall be lawful for the said commissioners to lease the said carrying and landing places and ferry, to such person or persons as will for the least number of years contract, and give approved security to the said commissioners, to erect a good and sufficient wharf, and two good and sufficient store houses thereon, at such places as the said commissioners shall designate for that purpose; and also to make a good and convenient road from the highest part of the bank down to
- 42 the said wharf: and that the said commissioners shall, by an advertisement describing the manner of constructing the said wharf, and the dimensions of the said store houses, give eight weeks public notice in the several newspapers above mentioned, of receiving proposals for the purpose aforesaid: and that the said commissioners shall insert in the said lease such covenants and conditions as they shall deem necessary to ensure a faithful performance of the stipulated terms on the part of the lessee, and for the peaceable surrender of the demised premises, with the wharf, store houses and other improvements, in good and sufficient repair, at the expiration of the term.
- 43 XXIII. *And be it further enacted*, That so many of the lots in the village aforesaid as the commissioners of the land-office shall

deem most advantageous to the state, shall be sold by the surveyor-general at public vendue, upon the same terms of payment as are before prescribed concerning the sale of the other unappropriated lands: and that the like notice shall be given of the said sales in the several newspapers aforesaid, as is herein before directed relative to other public sales.

XXIV. *And be it further enacted*, That the commissioners of the land-office shall issue letters patent to Sarah Doxteder, for one hundred acres of land adjoining the two mile tract, on the road called Klock's road, as the same has been laid out by the surveyor-general; to have and to hold, the said one hundred acres of land, to the said Sarah Doxteder during her natural life, and after her death, to her heirs for ever: *And further*, That it shall be lawful for the said commissioners to issue letters patent to Michael Kern, his heirs and assigns, for one hundred and fifty acres of land as laid out by the surveyor-general, including the house which he now occupies.

XXV. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the order of the person administering the government of this state, out of any monies in the treasury, the sum of three hundred dollars annually for ever hereafter for the Oneida nation of Indians, to be paid to the said Indians, pursuant to the late treaty made between this state and the said Indians.

XXVI. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office, to issue letters patent to Myndert Wemple, his heirs and assigns, for one hundred acres of land, to be laid out in a square, and to extend each way from the house now occupied by the said Myndert Wemple, along the Genesee road, fifteen chains, and from thence northerly fourteen chains, and southerly twenty chains, he the said Myndert Wemple paying therefor, into the treasury of this state, the sum of one hundred dollars.

XXVII. *And be it further enacted*, That upon application to the commissioners of the land-office, by any person or persons now in the actual possession of any lot or lots of land in the several tracts called the Oneida, Onondaga and Cayuga reservations, who shall have made improvements thereon to the value of twenty-five dollars, to be proven to the satisfaction of the said commissioners, it shall be the duty of the said commissioners to issue letters patent for such lot or lots to each possessor, for the prices at which the said lot or lots have been valued by the surveyor-general and specified in his report, upon such applicants complying with the terms of purchase prescribed by this act, respecting the lands to be sold at vendue by the surveyor-general.

XXVIII. *And be it further enacted*, That the surveyor-general shall sell at public vendue, in the manner and on the conditions prescribed in and by the act, entitled "An act for the better support of the Oneida, Onondaga and Cayuga Indians, and for other purposes therein mentioned," all the lots in the late Oneida,

Onondaga and Cayuga reservations, still remaining the property of the state, and not otherwise directed to be disposed of, and also all such lots in said reservation as have been heretofore disposed of, and mortgaged to the people of this state, and on which the first payment, that shall hereafter become due, shall not be made :

- 50 *Provided*, That on the sale of every lot to be made as aforesaid, a sum not less than one eighth part of the purchase money, shall be immediately paid on account thereof.

And whereas, The lands in the last Oneida purchase, occupied and improved by George Harp, has by the treaty with the Oneida Indians, been secured to Sarah Doxteder, whereby he is deprived of the benefits intended for occupants : Therefore,

- 51 **XXIX.** *Be it further enacted*, That the commissioners of the land-office, shall grant to the said George Harp, lot number one in said last purchase, on the same conditions as other lots are to be granted to the occupants on said purchase.

- 52 **XXX.** *And be it further enacted* That the lands before mentioned shall be sold in the county where said lands lay, at such place as the surveyor-general shall appoint.

- 53 **XXXI.** *And be it further enacted*, That the surveyor-general shall, as soon as may be after the reception of the first purchase money as aforesaid, pay the same into the treasury of this state.

- 54 **XXXII.** *And be it further enacted*, That all the right and title which this state now hath in and to the lands, tenements and hereditaments of which Robert Bell, late of the city of Albany, deceased, died seised and possessed, and the rents thereof to which this state may now be entitled, shall be and hereby is vested in and shall belong to and be enjoyed by his son Robert Adair Bell, in like manner as if the said Robert Adair Bell had been a citizen of the said state at the time of the death of his said father : *Provided always*, That if there are any other child or children, grand-child or grand-children of the said Robert Bell, he, she or they shall take and enjoy such shares or rights therein, with the said Robert Adair Bell, as by the laws of this state they might have taken if they had been respectively citizens thereof at the time of the decease of the said Robert Bell : *And provided further*, That if the said Robert Adair Bell and the other persons who may claim title under this act to any part of the said real estate of Robert Bell, deceased, shall not, within two years after the passing of this act, come to reside in one of the United States, every thing contained in this act in his and their behalf shall cease and be void, and the lands hereby intended to be confirmed to him and them shall escheat to the people of this state in the same manner as if this act had not been passed.

- 55 **XXXIII.** *And be it further enacted*, That it shall be lawful for the commissioners of the land-office, and they are required, to issue letters patent to Joseph De Sylva, for two hundred acres of land, the property of this state, lying at the Platta kill, in the town of Bristol, in the county of Schoharie, he the said Joseph paying therefor the sum of two hundred and fifty dollars into the

treasury of this state in manner following : one eighth part thereof within thirty days after the same shall have been surveyed and a map thereof made and filed in the surveyor-general's office, and executing to the people of this state a bond and mortgage for the securing the residue thereof, payable in six years from the date of such bond and mortgage, with interest at the rate of six per cent per annum, to be paid annually.

Glebe Land at Newburgh.

C H A P. CX.

CONTENTS.

1. Election, who to vote at.----3.
2. Anniversary day of.
4. Income, how appropriated.
1. Trustees of the Glebe, when and how chosen.--2.
2. Their powers.
6. ----- Annually to account with persons appointed for the purpose.
5. ----- Of the parish (so called) how to account.

An ACT to alter and amend the Charter of the Glebe Land, in the German Patent, in the Village of Newburgh.

Passed April 6th, 1803.

WHEREAS a glebe of five hundred acres of land, situate in the town of Newburgh, and county of Orange, was granted by letters patent under the great seal of the then province of New-York, on the twenty-sixth day of March, one thousand seven hundred and fifty-two, to Alexander Colden and Richard Albertson, and their successors, as trustees of the parish of Newburgh, and to the inhabitants then living on the German patent, for the support of a minister of the church of England, as then by law established, and a school-master, to have the care of souls and the instruction of the children of the inhabitants of the German patent : *And whereas*, There now is not nor has there been for several years last past, any such minister in said village : *And whereas*, Hugh Walsh and Levi Dodge, trustees of said parish, together with the inhabitants of said patent, have by their petition prayed that the said charter be by law altered and amended, so as to meet their interest and convenience : Therefore,

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the inhabitants residing on the said German patent, who shall have a right to vote at the annual town-meetings, to meet together in the village of Newburgh, on the second Tuesday of May next, at some proper place to be appointed by any justice of the peace, within the said village, and notified to the inhabitants of said patent at least one week previous to the said second Tuesday of May, and then and there to choose, by a plurality of votes, three persons inhabitants of the said patent, to officiate as trustees of

- the aforesaid glebe, who shall hold their offices for one year, and
2. until others shall be chosen in their stead ; and the said trustees so chosen shall have the like powers to do, and the like duties to perform, as the trustees of the parish of Newburgh have heretofore been possessed of and done ; and such justice shall preside at such meeting, and shall declare the persons having the greatest
3. number of votes as duly chosen trustees ; and on every second Tuesday in May after the first election of trustees, there shall in like manner be a new election for trustees of the glebe, and the trustees for the time being shall perform the several duties required from said justice, in respect to notifying the meeting of the inhabitants of said patent, and presiding at such election.

4. II. *And be it further enacted*, That the monies arising from the annual income of the glebe shall for ever hereafter be appropriated solely to the support of schools on the said glebe ; that the sum of two hundred dollars of such monies shall be paid on the first Tuesday in May in every year by the trustees of the glebe to the trustees of the academy of Newburgh, who shall apply the said sum of two hundred dollars solely to the use of schools taught in said academy ; and that the remainder of the money arising from such annual income shall be paid to the trustees of the other schools which are or may hereafter be established on the glebe, in such manner and in such proportion as the inhabitants aforesaid from time to time shall order and direct : *Provided always*, That if at any time hereafter a minister of the episcopal church shall be inducted on said patent, as nearly in conformity to said charter as may be, then it shall and may be lawful for the said trustees of the glebe to pay annually for the support of said minister such proportion of the monies aforesaid as shall be reasonable, according to the true intent and meaning of the said charter : *And whereas*, Regular accounts of the income of the said glebe, and the expenses of building and repairing the said academy, have not for many years past been exhibited as by the aforesaid charter directed, whereby the inhabitants of the said patent might be enabled to ascertain the state of their funds : Therefore,

5. III. *Be it enacted*, That three freeholders, being inhabitants of the said patent, shall, as soon as may be, be chosen as in manner aforesaid, and annually for ever hereafter, to whom the trustees of
6. the parish of Newburgh, formerly so called, shall account, and to whom the trustees of the glebe shall annually account, when thereunto required ; and in case of neglect or refusal so to do, it shall and may be lawful for the said three freeholders, so to be elected as aforesaid, or any two of them, to have, maintain and prosecute in their names, in behalf of the said inhabitants, suits in law or equity, for the recovery of any sums which may have been or may be received either by the said trustees of the said parish of Newburgh, or the trustees of the said glebe, and which shall not have been expended for the uses prescribed by this act, which monies, when so recovered, shall be paid over to the trustees of the said academy ; and in case of the consent of parties, either before or after suit

brought, to refer and leave to arbitration any or all disputes relative to the same by bonds of arbitration or rule of court.

Hillsdale Disputes.

C H A P. LXXVI.

C O N T E N T S.

1. Commissioners for settling the disputes and controversies, appointed.
2. ----- Authorized to hear, examine and determine the controversy.
8. ----- If they shall determine the right to be in the heirs and devisees of John Van Rensselaer the elder, deceased, then to estimate the value of the lands, &c.
20. ----- When and in what manner to award, &c.
21. ----- Powers granted to, may be executed by any two of them.
22. ----- Their determination binding and conclusive on the parties, and those who may claim under them, notwithstanding infancy or coverture.
24. Costs and Expenses, account thereof to be audited by the commissioners.
25. ----- 1-2 to be borne by the parties of the first part, and the other by those of the second.
26. ----- Proportion of, for each possessor to pay, commissioners to determine.
27. ----- To create the same lien upon property as judgment.
10. Possessors to give bonds and mortgages for the amount of the valuation of their possessions, in one month after the execution of a deed to them, otherwise the deed to become void.
11. ----- Neglecting to give bonds and mortgages, to give up their possessions.---13. Writ of right may be sued out against them.---14, 15. And attorneys appointed for them.
23. ----- Who have not signed the agreement, may sign within a limited time.
9. John Van Rensselaer the elder, deceased, heirs and devisees of, in case the title shall be awarded to them, to convey to the possessors.
12. ----- In case the title shall not be awarded to them, then to release to the possessors.
13. ----- On the refusal of the possessors to execute bonds and mortgages, they may sue out a writ of right against them.
16. ----- In case the lands shall not be awarded to them, and they refuse to lease to the possessors, how to be dealt with.
17. ----- Such of them as may be infants and able to write their names, may execute deeds, &c.---18. And when too young to write, their guardians to execute.
19. ----- Authorized to survey any part of the disputed lands.
3. Witnesses, commissioners authorized to summon.
4. ----- Penalty on for refusing to attend.
5. ----- Commissioners authorized to administer oaths or affirmations to.
6. ----- Giving false evidence, to suffer the penalties inflicted for corrupt perjury.

7. Witnesses, Not bound to give any other evidence than such as required at a trial at common law.

An ACT for settling the Disputes and Controversies between the Representatives of John Van Rensselaer the elder, deceased, and the Possessors of Lands in the Town of Hillsdale, in the County of Columbia.

Passed April 2d, 1803.

WHEREAS a controversy has long existed between Philip Schuyler, of the city of Albany, esquire, husband of Catharine Schuyler, deceased, Philip I. Schuyler, of Rhinebeck, in the county of Dutchess, and Rensselaer Schuyler, of Saratoga, in the county of Saratoga, gentlemen, John B. Church, of the city of New-York, esquire, and Angelica his wife, Alexander Hamilton, of the same city, counsellor at law, and Elizabeth his wife, Washington Morton, of the same city, counsellor at law, and Cornelia his wife, Catharine Schuyler, daughter of Philip Schuyler first aforesaid, Philip Schuyler the younger, and Stephen Van Rensselaer the younger, grandsons of the same Philip ; which said Philip, Rensselaer, Angelica, Elizabeth, Cornelia and Catharine, are children, and the said Philip the younger and Stephen the younger, grand-children of the said Catharine Schuyler deceased ; also, Henry Van Rensselaer, of Claverack, in the county of Columbia, esquire, James Van Rensselaer, of Bethlehem, in the county of Albany, and John Van Rensselaer, of Greenbush, in the county of Rensselaer, gentleman, Jacob R. Van Rensselaer, of Claverack, in the county of Columbia, attorney at law, Jeremiah Van Rensselaer, Henry Van Rensselaer the younger, James Van Rensselaer the younger, Catharine Van Rensselaer, and Angelica Van Rensselaer, children of Robert Van Rensselaer, late of Claverack, in the county of Columbia, deceased, for themselves and the grand-children of the said Robert Van Rensselaer, deceased, the representatives of John Van Rensselaer the elder, late of Greenbush, in the county of Albany, who are claimants of a tract of land granted by letters patent to the said John Van Rensselaer, dated the twenty-fourth day of February, in the year one thousand seven hundred and seventy-three, of the one part ; and William Tanner, Thomas Wiltse, Daniel Downing, Charles Truefddell, Ebener Hatch, Ezra Benedict, William Schutt, Lemuel Daniels, Simeon Rowly, Joseph Rodman, Samuel Seelding, Hezekiah Tickner, William Chace, Andrew Adams, John Heath, James Lester junior, John Hunt, John Cadwell, Ebenezer Soule junior, Jabez Grifwold, Asa Colkins, Samuel Pratt, Levi Vinson, Solomon Doty, Joshua Meeker, Sabrah Heath, Oliver Mallery, John Jones, Ira Morfe, Asa Palmer, Walter L. Patchen, Ichabod Wheten, Williams Huntly, Augustine Webster, John Hatch, Peter Woodin, James Shepard, Ebenezer Mallery, Nehemiah Spencer, David Spencer, Ezra Spencer, Luther Chace, John Wells, Noah Silleck, Benjamin Tiffany, Benjamin Tiffany junior,

Major Tyler, David Crofman, Thomas Boyes, Thomas Lester, Jared Winflow, Thaddeus Crippen, Beriah Southworth, Prudence Bagley, David Beebe junior, David Ransom, Chloe Brafe, Peter Sturges junior, Peter Hilligofs, George Mitchell, Elnathan Heath, James Adams, George Vults, Jonathan Arnold, and Simeon Graham, who are in possession of land in the town of Hillsdale, in the county of Columbia, of the other part, relative to the right and title to the said lands so possessed, and which are claimed by the said parties of the first part, by virtue of the aforesaid patent.

And whereas, The said controversy cannot be finally determined without a number of lawsuits, attended with delay and great expense to the parties: *And whereas*, Divers of the claimants under the said patent are infants, and others under coverture, by means whereof it is difficult, if not impracticable, to have a determination of the aforesaid dispute and controversy, conclusive and binding upon all the parties interested without the aid of the legislature: *And whereas*, The said parties have, by their attorneys duly authorized thereto, agreed to unite in an application to the legislature, for an act appointing commissioners finally to determine the right and title of the said parties to the said land, possessed by the said parties of the second part, in the said town of Hillsdale, and claimed by the said parties of the first part, and all disputes and controversies, in any manner relating to the same; and that Smith Thomson, one of the justices of the supreme court of judicature of this state, Robert Troup, of the city of New-York, and Jonas Platt, of Whitestown, counsellors at law, be the commissioners for that purpose: *And whereas*, The said parties have, by their attorneys, made such joint application to the legislature, which it appears reasonable to grant: Therefore,

I. *BE enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said Smith Thomson, Robert Troup and Jonas Platt, esquires, shall be and hereby are appointed commissioners to settle the said disputes and controversies. 1

II. *And be it further enacted*, That it shall and may be lawful for the said commissioners, to hear and examine all disputes and controversies between the said parties, respecting the title to the said lands, and to settle and determine whether the said John Van Rensselaer the elder, in his life time and at the time of his death, had or might lawfully claim right or title, as of an estate of inheritance, in possession, reversion or remainder, in or to the lands aforesaid, now possessed or occupied by the said parties of the second part, all or some of them, or in or to any rents, issues or profits thereof, and whether, (if such right or title did exist) the same doth continue in the heirs or devisees of the said John Van Rensselaer, deceased, or in the heirs and devisees of such of his heirs and devisees as may be now dead, all or any of them, or hath been barred or defeated by length of time or other means whatsoever. 2

III. *And be it further enacted*, That the said commissioners 3

shall be and hereby are authorized to summon and order any person or persons within this state to appear before the said commissioners, to be examined and give evidence touching the matters in controversy, and also to bring with them all such deeds, books, papers, records or other written evidence, as may be required in an ordinary course of law, by *subpœna duces tecum*.

- 4 And that if any person summoned by writing, subscribed by the said commissioners, or any or either of them, to appear and testify, or to produce any written evidence, and having reasonable time allowed him for that purpose, and being paid, or having tendered to him a reasonable compensation for his expenses of attendance and for his loss of time, shall neglect, refuse or delay to give such attendance, or to bring such written evidence as aforesaid, such person shall forfeit for every such refusal, neglect or delay, the sum of two hundred and fifty dollars, to be recovered in any court of record having cognizance thereof, by action of debt, by and in the name of the person at whose instance he was summoned.

- 5 . IV. *And be it further enacted*, That the said commissioners shall have power to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth, touching the matters in question. And if any person so to be examined shall knowingly give false evidence on such examination, and shall thereof be convicted, such witness shall for such offence suffer the pains and penalties inflicted by law for wilful and corrupt perjury : *Provided*, That no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

- 6
7
8 V. *And be it further enacted*, That if the said commissioners shall determine that such right or title as aforesaid did exist in the said John Van Rensselaer, and doth continue in his heirs or devisees, or in the heirs or devisees of such of his heirs and devisees as may be now dead, all or any of them, then and in such case it shall and may be lawful for the said commissioners, or any two of them, to estimate and fix the value or different values of the said land or parcels of land, in respect to which they shall have so determined, having regard, as to them shall seem meet and just, to all relative circumstances, and estimating such parts of the said land as may have been at any time holden or possessed under leases from the said John Van Rensselaer, deceased, or from his heirs or devisees, or any of them, in the same manner as if such leases had never existed.

- 9 VI. *And be it further enacted*, That in case the said commissioners shall determine and award, that such right or title did exist, and doth continue as aforesaid, in or to all or any of the said lands in the possession or occupation of all or any of the said parties of the second part, then and in such case they, the said parties of the first part respectively, or in case of the death of any of them, the heirs or devisees of the deceased shall, within three calendar months after the date of such award, by good and sufficient

deeds, containing general warrantees, bargain, sell, release and confirm, or cause to be bargained, sold, released and confirmed, all the right, title, estate, interest, claim and demand which they may respectively have in, to or upon such lands, unto such of the said parties of the second part respectively, their heirs and assigns, or some of them in whose possession or occupation the same may be and according to the possession or occupation of each and every of them: which deeds respectively, and the estates thereby to be conveyed or released, shall be upon condition, whether therein expressed or not, to be and become void, in case the parties respectively, to or for whom they shall be executed, shall not, within one calendar month after notice of the execution thereof in writing, either delivered to the parties or left on the premises, make, seal and deliver, or cause to be made, sealed and delivered to the aforesaid James Van Rensselaer, Philip I. Schuyler and Jacob R. Van Rensselaer, as joint tenants, or to the survivors or survivor of them their bonds or obligations respectively, with condition in each case for the payment of such sum as the quantity of land in the possession or occupation of the obligor or obligors shall amount to, according to the prices or values which shall have been so as aforesaid estimated and fixed by the said commissioners, in six equal yearly instalments, with lawful interest on the whole sum annually, from the date of the said award or determination, together with mortgages in fee simple, on the lands respectively, for which, such bonds or obligations shall be given, for securing the payment thereof.

VII. *Provided nevertheless, and be it further enacted,* That the said parties of the second part respectively, shall, within one calendar month after notice of the said execution of the said deeds of bargain, sale and release, make, seal and deliver, or cause to be made, sealed and delivered as aforesaid, the bonds or obligations and mortgages aforesaid; and in default thereof, such deeds of bargain, sale and release shall be and become absolutely null and void, and the parties making default shall forthwith surrender and deliver up to the said parties of the first part, the said lands in their possession, or occupation respectively.

VIII. *And be it further enacted,* That if the said commissioners shall award and determine, that the said right or title did not exist, or doth not continue as aforesaid, as to all or any part or parts of the lands aforesaid, then they, the said parties of the first part, shall respectively, and within the aforesaid term of three calendar months, well and sufficiently release to such of the said parties of the second part respectively, who shall be possessors or occupants of the lands in respect whereof it shall have been so determined and awarded, all right, title, estate, interest, claim and demand, in, to or upon such lands.

IX. *And be it further enacted,* That if the said arbitrators shall determine and award, that such right or title did exist and doth continue as aforesaid, in respect to all or any of the said lands in the possession or occupation of the said parties of the second part,

all or any of them ; and in case the said parties of the first part respectively, whom it may or shall concern, shall, within the said term of three calendar months, make and execute, or cause to be made and executed the deeds of bargain, sale and release aforesaid, in respect to such lands ; and in case the said parties of the second part, or any of them, shall refuse or neglect to make and execute, or cause to be made and executed such bonds and mortgages as aforesaid, then, and in every such case, it shall and may be lawful for the said parties of the first part, all or any of them, to sue out original writs of right against such of the said parties of the second part as shall have so refused or neglected, and to cause the same to be returned as served and executed, though the same may not have been so served and executed, and to cause such other proceedings to be had thereupon as are usual in cases of writs of right, and accordingly to count thereupon, and to enter or cause to be entered, final or other judgment or judgments thereupon, by default, disclaimer, confession or otherwise, and thereupon to sue out and cause to be executed writs of *habere facias seisinam* :

- 14 And for facilitating these purposes, it shall and may be lawful for the said parties of the first part, all or any of them, to nominate an attorney or attorneys of the supreme court of this state, to appear on behalf of the tenant or tenants named in such writ or writs of right, and to do and suffer all needful acts, proceedings, matters and things, whereby such judgments and executions may be obtained, had and perfected, and be made valid and effectual, and to release all errors therein, and in the process and proceedings relating thereto.
- 15 X. *And be it further enacted*, That the attorney or attorneys, so to be nominated, shall by virtue of this act, be *ipso facto* the attorney or attorneys of such of the said parties of the second part, for whom they shall have been so nominated as aforesaid, vested with and possessing full power and authority to do and suffer all acts, matters and things aforesaid, for the purposes last aforesaid mentioned.
- 16 XI. *And be it further enacted*, That in case the said arbitrators shall determine, that such right or title did not exist and doth not continue as aforesaid, in respect to all or any of the said lands, in the possession or occupation of all or any of the said parties of the second part ; and in case the said parties of the first part respectively shall not within the said term of three calendar months, by good and sufficient deed or deeds, release to such of the said parties of the second part, who are the possessors or occupants of the said lands, all right, title, interest, claim or demand, in, to or upon the same, then and in every such case it shall be lawful for them respectively to levy or cause to be levied a fine or fines of the said lands respectively, thereby making all or any of the said parties of the first part cognizors, and to enter or cause to be entered their appearances in their proper persons respectively, whether they shall so appear or not, and to cause to be had and done all such other and further acts, proceedings, matters and things, as are

usual and necessary for rendering the said fine or fines valid and effectual, and for facilitating these purposes, it shall be lawful for the said parties of the second part, all or any of them, to nominate an attorney or attorneys of the supreme court of this state, to appear on behalf of the cognizors, and on their behalves to acknowledge the said fines, and to do and suffer all needful acts, matters and things whereby the said fine or fines may be levied and perfected, and be rendered valid and effectual, and to release all errors therein, and in the process and proceedings relating thereto.

XII. *And be it further enacted*, That the attorney or attorneys so to be nominated shall, by virtue of this act be *ipso facto*, the attorney or attorneys of such of the said parties of the first part for whom they shall have been so-nominated, vested with and possessing full power and authority to do and suffer all acts, matters and things aforesaid, for the purposes last aforesaid.

XIII. *And be it further enacted*, That it shall and may be lawful for such of the said parties of the first part, as may be infants under the age of twenty-one years, and able to write their names, to execute the deeds which pursuant to this act, or any award of the said commissioners to be made by virtue thereof, may be necessary to be executed by the said parties of the first part, or some of them; but as to such as may be too young, and unable to write their names, it shall be sufficient that their guardians respectively, on their behalves respectively, shall and do execute the said deeds. 17

XIV. *And be it further enacted*, That it shall and may be lawful for the said parties of the first part, in case they or any of them think fit, by themselves or their agents, to survey or cause to be surveyed the said lands, in the possession or occupation of the said parties of the second part, or any of them, without hindrance or molestation, from the said parties of the second part or either of them. 19

XV. *And be it further enacted*, That the award and determinations of the said commissioners, to be made by virtue of this act, shall be made and put in writing, ready to be delivered to the said parties, within one year from the nineteenth day of March, 1803; and that during the period last mentioned, the statute of limitations shall not run against the said parties of the first part, or any of them, but such period shall be and is hereby excepted thereout. 20

XVI. *And be it further enacted*, That all and singular the trusts, powers and authorities hereby granted to the said commissioners, may be executed by any two of them, and their determination in the premises, shall be as binding and effectual as if the same had been made by all of them, any thing herein expressed to the contrary notwithstanding. 21

XVII. *And be it further enacted*, That the determination of the said commissioners, by virtue of this act, shall be valid and conclude as well the parties aforesaid as all persons who may here- 22

after claim by, from or under the said parties or either of them, notwithstanding their infancy or coverture, or the infancy or coverture of either of them.

- 23 XVIII. *And be it further enacted*, That all persons being possessors or occupants of any parts or parcels of the tract of land herein before mentioned, who shall or may, at any time within three calendar months from the date of the agreement herein before in part recited, sign, seal and deliver the said agreement, shall, to all intents and purposes, be deemed and considered as parties to the submission intended by this act to be confirmed and carried into effect, in like manner as if the said possessors or occupants were particularly named herein, as parties of the second part.
- 24 XIX. *And be it further enacted*, That the said commissioners shall audit all accounts and expenses and costs and charges which shall arise for or by reason of any matter or thing respecting the
- 25 trust or power herein before specified, one moiety whereof shall be borne and paid by the said parties of the first part, and the other
- 26 by the possessors or occupants aforesaid; and shall adjudge and determine the particular sum with which each possessor or occupant shall be chargeable, of which they shall give a certificate under their hands and seals, and the same adjudication and certificate shall be final and conclusive; and create the same lien on the property of the person named therein as a judgment at law, and that if payment of the sum so assessed shall not be made within thirty days after the adjudication made and certificate given, it shall and may be lawful for the said commissioners, by writing under their hands and seals, to direct the sheriff of any county in this state to cause the sum assessed, with the costs of collection, to be made of the goods and chattels, lands and tenements of the person liable to the same payment, which money shall, when collected, be paid to the said commissioners, or any or either of them; and if any money shall remain after settling the sum to be made, with the costs of collections, such surplus shall be paid to the party on demand.

Meadows.

C H A P. XVIII.

CONTENTS.

4. Commissioners.---5, 6. Their duties.
12. Ditches, how made.
1. Inspectors.---2. Their duties.
3. Proprietors, to pay 400 dollars for draining the Long Meadow.
- 6, 9. ---- May be prosecuted in case of non-payment.
7. ----- To pay an annual sum for scouring ditches.
11. ----- Wishing line ditches, how to proceed.
8. Treasurer, how and when to be chosen.---10. His duty.

13. William Wickham, damages sustained by him to be paid.---14. In case of disagreement as to amount, how determined.

An ACT appointing Commissioners to drain the Long Meadow in Goshen and Lands adjoining.

Passed February 26th, 1803.

WHEREAS it appears to the legislature that the tract of land called the long meadow in Goshen, in the county of Orange, is frequently overflowed with water, and thereby rendered of little value : And that the health of the inhabitants contiguous to the said meadow is endangered by the stagnant waters therein ; to prevent which, and to render the said meadow more productive :

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That James Carpenter, John Wood, Joseph Wood and Anthony Dobbin, or any two of them, shall be inspectors, finally to settle and determine the number of acres of meadow belonging to each proprietor or occupant in and adjoining the said long meadow, which may in their opinion be benefitted by draining or ditching the same ; which settlement and determination shall be delivered in writing to the treasurer, hereafter to be chosen by virtue of this act.

II. *And be it further enacted,* That for the purpose of draining the said meadow, a sum not exceeding four hundred dollars shall be paid by the proprietors and occupants thereof, in proportion to the number of acres they shall respectively own and possess, and that will be benefitted thereby, as settled and determined by the said inspectors ; which sum shall be paid to Moses Hetfield, Reuben Hopkins and Thomas Waters, commissioners, to be by them applied in paying all necessary and incidental charges that shall arise in or about the business of draining the said meadow and lands adjoining, in such manner as they or the major part of them may think proper, by clearing out the main ditch and the outlet thereof, and opening and regulating such other ditches in such manner and direction as to the said commissioners or the major part of them shall appear best calculated to carry the design of this act into effect, and for the benefit of the respective proprietors and occupants of the said meadow and lands adjoining.

III. *And be it further enacted,* That each proprietor or occupant shall, within three months after the said inspectors shall have settled and determined the respective proportions of the said sum, not exceeding four hundred dollars as aforesaid, pay the same to the said commissioners or either of them ; and in default thereof, it shall be lawful for the said commissioners, or the survivors of them, to recover the same by an action of debt, with interest and cost, in any court having cognizance of the same.

IV. *And be it further enacted,* That for the defraying the expense of clearing and scouring the said main ditch and the outlet thereof, and such other ditches as shall be made by direction

- of the said commissioners, for draining the said meadow and lands adjoining ; the proprietors or occupants thereof, for the time being, shall for every acre as settled by the said inspectors, pay a sum annually not exceeding three cents, if a majority of them at their annual meeting shall think proper, to be computed from the first day of January, one thousand eight hundred and five, on or before the first day of May in every year thereafter, to the treasurer to be chosen annually by a majority of the said proprietors, who shall meet on the first Tuesday of February annually for that purpose, at the court-house in Goshen : And in case any proprietor or occupant shall neglect to pay annually on the first day of May, such sum, not exceeding three cents per acre as settled by the said inspectors as aforesaid, the treasurer, for the time being, may sue for and recover the same, before any justice of the peace in the said county, with interest and costs of suit ; which treasurer shall apply the money or such part thereof as he may deem necessary for clearing and scouring said ditch or ditches, who shall also render an account of the expenditure of said monies to the proprietors or occupants, at their annual meeting aforesaid : And the monies (if any) the papers and accounts respecting said meadow, he shall then and there deliver to the treasurer who may be chosen to succeed him.
- 11 V. *And be it further enacted*, That if any proprietor or occupant, who shall be desirous of having one or more line ditch or ditches made, shall give at least thirty days notice of his or her intention, to the person or persons owning or possessing the part or parts adjoining ; and if, after such notice, any person or persons shall neglect or refuse to make one equal half part of such ditch or ditches, the person so giving notice, may proceed to dig such ditch or ditches, and may sue the other party or parties respectively for the one half of the expense thereof, before any justice of the peace of the county, and shall recover the same with interest and costs of suit : *Provided*, The necessity of such ditch shall be first determined upon by the said inspectors : And if such inspectors direct that a partition ditch shall be cut, then the expense of such ditch shall be borne equally between the proprietors affected thereby.
- 12 VI. *And be it further enacted*, That all line ditches as aforesaid, shall be cut not to exceed four feet wide and two feet deep, unless the parties shall otherwise determine and agree.
- And whereas*, The outlet of the main ditch of the said meadow runs through the lands of William Wickham, esquire : Therefore,
- 13 VII. *Be it further enacted*, That the commissioners aforesaid, are hereby authorized to agree and settle with the said William Wickham, for such damages as are likely, in their opinion, to be sustained by the said William Wickham, in consequence of clearing out and scouring the outlet of the said main ditch, and pay such sum as shall be agreed on out of the said sum of four hundred dollars :
- 14 and if they do not agree as aforesaid, upon application by the said

commissioners for that purpose, the judges of the court of common pleas of said county, or any two of them, not interested in the said premises, are hereby authorized and required to appoint three reputable freeholders, in the said town of Goshen, not interested in the said meadow, to appraise and ascertain what damages (if any) the said William Wickham may probably sustain, by means of clearing and scouring the outlet of the said main ditch; and on payment, or tendering to the said William Wickham, the amount of the damages so appraised or ascertained by the said freeholders, or any two of them, the said commissioners may proceed to clear out and scour the outlet of the said main ditch; any law to the contrary in any wise notwithstanding.

C H A P. LXXIII.

C O N T E N T S.

4. Commissioners, for improving the swamp and bog-meadows named.---6, 7. Their duty.
14. Ditches, persons deeming other fresh ditches necessary, how to proceed.
15. ----- Inspectors, to determine the necessity of---where to be made---the size, and who to bear the expense.
 1. Inspectors, for determining the number of acres belonging to each proprietor benefitted, appointed.---2, 15. Their duty.
12. Line Ditches, expense thereof to be equally borne by adjoining proprietors.---13. Breadth and depth thereof.
16. Penalty on persons obstructing the creek, how recovered and how applied.
 3. Proprietors, to pay 500 dollars in proportion to the benefits of each.---5. Within a certain period.
 8. ----- To pay an annual sum for keeping ditches in repair, if a majority shall agree thereto.
10. ----- Subject to prosecution for the annual payments.
9. Treasurer to be annually chosen.---10, 11. His duties.

An ACT making Provision for draining a Tract of Swamp and Bog in the County of Orange.

Passed April 2d, 1803.

WHEREAS there is a tract of swamp and bog-meadow in the said county of Orange, a great part of which is frequently overflowed and rendered unfit for use and prejudicial for agriculture, by the obstructions in a creek called McKnight creek, falling into the Walkill, to the northward of the islands in the drowned lands, known by the name of the great and little islands: *And whereas*, The proprietors of the said swamp and bog-meadow, conceive the same may be rendered fit for raising hemp and other agricultural purposes by clearing out and enlarging said creek: Therefore,

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Seth Marvin, Thaddeus Seely*

and John Halbert, or any two of them, or the survivors or survivor of them, shall be inspectors finally to settle and determine the number of acres of swamp and meadow belonging to each proprietor in said tract, which may, in their opinion, be benefitted by clearing and enlarging the said McKnight creek ; which settlement and determination shall be delivered in writing by the said inspectors, and signed by them, to the commissioners herein after named, for clearing and enlarging the said creek, and paying the expenses thereof.

3 II. *And be it further enacted*, That for the purpose of clearing and enlarging the said creek, the sum of five hundred dollars, shall be paid by the proprietors of the lands determined to be benefitted thereby, in proportion to the number of acres and the benefits they shall respectively receive as settled by the said inspectors ; which sums shall be paid to Gideon Jennings, Isaac Van Duyer and Joseph Wood, jun. commissioners, to be by them applied in paying all incidental charges that shall arise, in and about clearing and enlarging the said creek, as they or any two of them shall think proper, from where the said creek falls into the Walkill, to the causeway leading to the little islands.

5 III. *And be it further enacted*, That each proprietor contiguous to said McKnight creek, and assessed for clearing the same, shall within three months after the said inspectors shall have settled and determined the respective proportions of five hundred dollars, pay the same to the said Gideon Jennings, Isaac Van Duyer, and Joseph Wood, jun. or either of them, and in default thereof it shall be lawful for them or the survivors or survivor of them, to recover the same by due course of law, with interest and costs of suit.

7 IV. *And be it further enacted*, That the board of commissioners aforementioned, are hereby authorized to dispose of at public auction, for a term not exceeding twenty-one years, giving at least six weeks previous notice thereof, by advertisement, to be inserted in the public newspaper printed in the town of Goshen, any lot or lots or undivided parts of lots contained in said swamp or bog-meadow, the owner or owners thereof neglecting or refusing to pay to them respectively, the sum or sums assessed thereon by the said inspectors, and give lease or leases for the same, to any person or persons who may purchase said lot or lots or undivided parts thereof.

8 V. *And be it further enacted*, That for defraying the expense of keeping the said creek clear and open, the proprietors of the said swamp and bog-meadow, shall for every acre, as settled by the said inspectors, pay such sum annually, not exceeding three cents, if a majority of them at their respective annual meetings, shall think proper to direct the same, to be computed from the first day of January, one thousand eight hundred and four, on or before the first day of May in every year thereafter to the treasurer, to be chosen annually by a majority of said proprietors, to meet for that purpose at the dwelling-house of said Isaac Van

Duyer : And in case any of the said proprietors shall neglect to 10
pay annually, on the first day of May, such sum, not exceeding
three cents per acre, as settled by the said inspectors as aforesaid,
the treasurer for the time being may sue for and recover the same
before any justice of the peace in the said county, with interest
and costs of suit ; which treasurer shall apply the money, or such 11
parts thereof as he may deem necessary, for clearing and en-
larging the said creek, and shall also render an account of the
expenditures of the said monies to the said proprietors, so met as
aforesaid ; and the monies (if any) with the papers and accounts
respecting said swamp and bog-meadow, he shall deliver to the
treasurer who may be chosen to succeed him.

VI. *And be it further enacted*, That when any proprietor or oc- 12
cupant of the said swamp and bog-meadow, shall be desirous
of having one or more line ditch or ditches made therein, shall
give at least thirty days notice of his or her intention to the per-
son or persons owning or possessing the part or parts adjoining ;
and if after such notice any person or persons shall neglect or re-
fuse to make one equal half part of said ditch or ditches, the per-
son so giving notice may proceed to dig such ditch or ditches, and
may sue the other party or parties respectively, for the one half
of the expense thereof, before any justice of the peace of said
county, and shall recover the same, with interest and costs of suit ;
and further, that all line ditches as aforesaid, shall be cut four feet 13
wide and two and an half feet deep, unless the parties shall other-
wise determine and agree.

VII. *And be it further enacted*, That when one or more of the 14
said proprietors shall think it necessary, that any other ditch or
ditches should be cut in the said swamp and bog-meadow, and the
person or persons interested therein cannot agree respecting the
same, the said inspectors, or any two of them, shall determine 15
whether such ditch or ditches will be necessary ; and if the said
inspectors, or any two of them, shall think such ditch or ditches
necessary to be made, they shall determine in what place or
places the same shall be made, and the size thereof, and who
shall pay the expense thereof, with all incidental charges attend-
ing the same : And in case either of the parties shall neglect to
comply with such determination, the person or persons desirous
of having such ditch or ditches made may proceed to make the
same, and is and are hereby fully authorized to sue for and reco-
ver, in manner directed respecting line ditches, of each person
interested, their respective proportions of the expense thereof,
together with interest, costs and incidental charges.

VIII. *And be it further enacted*, That if any person or persons 16
shall at any time after the passing of this act, make or cause to be
made any eel or fish wier, or otherwise designedly obstruct said
creek, in any part between the said Walkill and where the same
is directed to be cleared and opened by this act, that such person
or persons shall, upon conviction thereof by one or more credible
witnesses, before any justice of the peace in the county aforesaid,

pay the sum of twenty dollars, one half thereof to the use of the informer, and the other half to be paid to the treasurer of the proprietors of the said creek so obstructed, to be chosen as aforesaid, and to be applied by him towards clearing and enlarging the said creek, which treasurer is hereby empowered to sue for and recover the same in an action in his own name, and when recovered shall pay one half thereof to the informer, and account to the said proprietors for the other half as treasurer aforesaid; and if any such obstruction shall be made by a slave or slaves, upon conviction as aforesaid, the master or mistress of such slave or slaves, shall be liable to pay the said sum of twelve dollars and fifty cents.

Churches.

C H A P. LXVI.

CONTENTS.

1. Christ Church in Germantown, trustees of, authorized to sell certain wood land.
2. Religious Corporations, other than chartered ones, may reduce the number of their trustees.

An ACT to authorize the Trustees of the Lutheran Church, called Christ Church, in Germantown, in the County of Columbia, to sell certain Wood Land for the Benefit of said Church and Congregation, and for authorizing the Reduction of the Number of Trustees in Religious Societies.

Passed April 2d, 1803.

WHEREAS the said trustees, by the approbation and direction, and for the benefit of the said church and congregation, by their petition presented to the legislature have prayed for leave to sell and dispose of a certain parcel of wood land belonging to said church, containing about thirty acres, situate, lying and being in the town aforesaid, which, by reason of the distance from said church, and the frequent waste committed thereon, is rendered unprofitable and decreasing in value: Therefore,

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That full power, good right and lawful authority, shall be and is hereby granted to the trustees of the said church and congregation, to sell and alien in fee all right and title belonging to the said church and congregation, or vested in them as trustees, of and in all or any part of the said thirty acres of wood land, for the best price they can obtain for the same; and the monies arising from the sale thereof or any part thereof, to be applied in such manner as the said trustees and congregation shall think most beneficial for the interest of said church.

II. *And be it further enacted, That whenever any religious corporation within this state, other than the chartered corporations, shall deem it necessary, and for the interest of such religious corporation, to reduce their number of trustees, that it shall and may be lawful for any such religious corporation to reduce their number of trustees at any annual meeting : Provided, That such reduction shall not be such as to have a less number than three trustees in any one of the said religious corporations.*

C H A P. LXVII.

An ACT to authorize the Trustees of the Presbyterian Church and Congregation of the Town of Greenburgh, to sell and dispose of the Lands belonging to the said Congregation, for the Purposes therein mentioned.

Passed April 2d, 1803.

WHEREAS the trustees of the Presbyterian church and congregation of the town of Greenburgh, in the county of Westchester, have by their petition presented to the legislature, prayed for leave to sell the land and church belonging to the said congregation, for the purpose of discharging certain debts contracted in building the said church, which debts the said trustees are unable to pay without selling the said church and land : Therefore,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That full power, good right and lawful authority, shall be and hereby is granted to the trustees of the said church and congregation to sell and alien in fee, all right and title belonging to the said church and congregation, or vested in the trustees thereof, of and in the land belonging to the said church and congregation, situate, lying and being in the said town of Greenburgh, in the county of Westchester, and all buildings and erections thereon : Provided always, That the monies arising from the sale thereof, shall be held by the said trustees for the use of the said church and congregation, in like manner as the said church and land are now held by or vested in them.

Relief.

C H A P. XXVII.

CONTENTS.

1. Collectors of Taxes for Cayuga county, time for their settlement with the treasurer extended.
2. Treasurer of Cayuga county, his duty.
3. ----- Of Steuben county, time extended to him for performance of certain duties.

An ACT for the Relief of the Collectors of Taxes in the County of Cayuga, and for other Purposes.

Passed March 4th, 1803.

WHEREAS it is represented to the legislature, that from unavoidable accidents, several collectors of taxes in the county of Cayuga, were unable to settle with the county treasurer agreeable to law : Therefore,

- 1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the time be extended to the first Tuesday of July next, for Mathew Gray, John Simpson and other collectors of taxes in the county of Cayuga, to settle with the treasurer of said county.
- 2 II. *And be it further enacted,* That the present treasurer of the county of Cayuga shall, and he is hereby directed to settle with the said Mathew Gray, John Simpson and others, collectors of taxes in said county, who have not already settled with the treasurer of said county, and return the arrears of taxes due from non-residents to the comptroller's office, agreeable to the act, entitled "An act for the assessment and collection of taxes," passed the 8th day of April, 1801.

And whereas, It is represented to the legislature, by the petition of the supervisors of the county of Steuben, that an omission has taken place in returning the affidavits of the several collectors, and the arrears of taxes due from non-residents to the comptroller's office agreeable to law : Therefore,

- 3 III. *Be it further enacted,* That the time be extended to the first Tuesday of July next, for the treasurer of the county of Steuben, to return the affidavits together with the arrears of taxes due from non-residents to the comptroller's office, agreeable to the act, entitled "An act for the assessment and collection of taxes." passed the 8th day of April, 1801.

C H A P. XXVIII.

C O N T E N T S .

1. Chancellor to appoint Trustees.---7. May appoint others in case of vacancy.
- 2, 3. ----- May order a part or the whole of the real estate to be sold.
6. ----- May direct purchase money to be paid by instalments or otherwise.
4. Trustees to give bond.
5. Widow to release her right of dower to purchasers.

An ACT for the Relief of the Representatives of Charles Tillinghast.

Passed March 8th, 1803.

- 1 I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the chancellor of this state, to appoint two or more trustees with full

power and authority to grant, bargain, sell, and convey from time to time, so much of the real estate of which Charles Tillinghast, late of the city of New-York, deceased, died seised, for the best price which can be had for the same, as he shall deem necessary for the maintenance and education of the widow and infant children of the said Charles Tillinghast ; and to dispose of and apply the monies arising from such sales for the purposes aforesaid, in such manner as the said chancellor shall from time to time order and direct: *Provided always*, That if the said chancellor shall deem it most beneficial for the said widow and infant children of the said Charles Tillinghast, it shall be lawful for him to order and direct the whole of the said real estate to be disposed of at once by the said trustees, under the restrictions and regulations prescribed by this act.

II. *And be it further enacted*, That the said trustees, before they enter on the the execution of the said trust, shall give bond to the said widow and infant children of the said Charles Tillinghast, with such sureties and penalty as the chancellor shall direct, conditioned for the faithful execution of the said trust, and to render a just and true account thereof, and apply and dispose of the monies coming into their hands, according to the order and direction of the chancellor ; which bond shall be filed in the office of the assistant register of the court of chancery, for the use of the said widow and infant children.

III. *And be it further enacted*, That the said widow of the said Charles Tillinghast, before she shall be entitled to receive any part of the proceeds of the sales to be made as aforesaid, by the said trustees, shall execute to the purchaser or purchasers, their heirs and assigns, a release of her right of dower in and to the premises so sold.

IV. *And be it further enacted*, That in case the chancellor shall deem it most beneficial for the said widow and infant children, that the purchase money for the lands to be sold as aforesaid should be payable by instalments, it shall be lawful for him to direct and authorize the said trustees to take such security for the said purchase money, and to make it payable by such instalments as he shall deem just and reasonable.

V. *And be it further enacted*, That in case the trustees to be appointed as aforesaid, shall die before the execution of the said trust shall be completed, it shall be lawful for the chancellor to appoint other trustees in their stead who shall in all respects conform to the directions of this act.

C H A P. XXXIV.

C O N T E N T S.

1. Treasurer to pay Robert Boyd and Peter Coruth	300	} dollars.
2. ----- Seth R. Kneeland	347.75	
3. ----- Barzillai Dusenbury	124	

An ACT for the Relief of Robert Boyd and others.

Passed March 16th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer pay, on the warrant of the comptroller, to Robert Boyd and Peter Coruth, the sum of three hundred dollars; and which warrant the treasurer is hereby directed to pay out of any monies in the treasury not otherwise appropriated.

II. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to Seth R. Kneeland, the sum of three hundred and forty-seven dollars and seventy-five cents; and which warrant the treasurer is hereby directed to pay out of any monies in the treasury not otherwise appropriated.

III. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to Barzillai Dufenburg, the sum of one hundred and twenty-four dollars; and which warrant the treasurer is hereby directed to pay out of any monies in the treasury not otherwise appropriated: *Provided nevertheless*, That the said Robert Boyd and Peter Coruth, Seth R. Kneeland and Barzillai Dufenburg, or their legal representatives, shall, upon the receipt of the monies aforesaid, sign and deliver to the comptroller a full release to the people of this state.

C H A P. LI.

An ACT for the further Relief of John Bailey.

Passed March 26th, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, to issue letters patent to John Bailey, for eight thousand acres of land in Totten and Crossfield's purchase, according to the directions of the act, entitled "An act for the relief of John Bailey," passed the 12th day of March, 1793, on his producing to the said commissioners satisfactory evidence, that he is invested with the right and title of William Baron, David Stone, Noah Porter and Joshua Lack, to the lands mentioned in the said recited act.

C H A P. LIII.

C O N T E N T S .

3. Collectors of Taxes in Ontario county, their returns in 1801 and 1802, made valid.
4. M. Bartlet and J. Bonny, to be credited a certain sum on account.
1. Stephen Todd, jun. time extended to him for settling as collector of taxes.
2. Treasurer of Montgomery, his duty.

An ACT for the Relief of Stephen Todd, junior, and others.

Passed March 26th, 1803.

WHEREAS it is represented to the legislature, that from unavoidable accidents Stephen Todd, junior, collector of taxes in the town of Salisbury, in the county of Montgomery, was unable to settle with the county treasurer agreeable to law : Therefore,

I. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the time be and hereby is extended to the first Tuesday of July next, for the said Stephen Todd, junior, to settle with the treasurer of said county. 1

II. *And be it further enacted,* That the treasurer of the county of Montgomery, shall, and he is hereby directed to settle with the said Stephen Todd, junior, as collector of taxes as aforesaid, and return the arrears of taxes due from non-residents to the comptroller's office, agreeable to the act, entitled "An act for the assessment and collection of taxes." 2

Whereas, It is represented that the oath prescribed in and by the twelfth section of the act, entitled "An act for the assessment and collection of taxes," was taken by the several collectors of the county of Ontario, for the years one thousand eight hundred and one and one thousand eight hundred and two, before the clerk of the treasurer of the said county, instead of the said treasurer : Therefore,

III. *Be it further enacted,* That the several accounts and returns of the said collectors, made to the office of the said treasurer in the said two years, shall be as valid and effectual as if they had taken the said oath before the said treasurer. 3

And whereas, It appears to the legislature that Moses Bartlett and Jerris Bonny, of Salem, in the county of Washington, were in the year 1800, furcharged in the tax-list of the said town, each the sum of sixteen dollars and seventy-three cents, the whole of which tax has been returned by the county treasurer to the comptroller as part of the arrears of said town : Therefore,

IV. *Be it further enacted,* That the comptroller is hereby authorized and required to credit the said Moses Bartlett and Jerris Bonny, the sum of sixteen dollars and seventy-three cents on each of their accounts respectively. 4

C H A P. LXI.

C O N T E N T S.

3. Comptroller, to stay prosecutions against purchasers who pay the interest.
4. ----- To prosecute those who do not pay the interest.
5. Debts due to the state, how prosecuted.
1. Interest, time extended for the payment of.
6. ----- Payments heretofore made on principal, may be applied to the discharge of.

7. Pre-emption, to lands in the Cayuga reservation, benefits of a certain act, extended to persons having the right of.
2. Principal, time extended for the payment of, to such as shall pay the interest.

An ACT for the Relief of the Purchasers of Land in the Cayuga, Oneida and Onondaga Reservations.

Passed March 28th, 1803.

WHEREAS it is represented to the Legislature, by the purchasers of lands in the Cayuga, Oneida and Onondaga reservations, that the immediate payment of the whole amount of the interest due to the state for their purchases, and the payment of such part of the principal as will soon become due, would greatly embarrass them in their present situation : Therefore,

- 1 *I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That there be allowed to the said purchasers nine months from the first day of May next, for the payment of the one half of the interest due, and to grow due on the said purchases, and the term of one year from and after the expiration of the said nine months, for the payment of the residue of the said interest.
- 2 *II. And be it further enacted,* That the time of payment of the principal sums due from such of the said purchasers as shall pay the interest due on their respective purchases in manner aforesaid, shall be extended and paid in four equal instalments, that is to say, the first on the first Tuesday of July, in the year one thousand eight hundred and eight ; the second on the first Tuesday of July, in the year one thousand eight hundred and nine ; the third on the first Tuesday of July, in the year one thousand eight hundred and ten ; the fourth and last on the first Tuesday of July, in the year
- 3 one thousand eight hundred and eleven ; and that the comptroller slay all prosecutions against such of the said purchasers as shall pay the interest due on their said purchases as above directed.
- 4 *III. And be it further enacted,* That it shall be the duty of the comptroller, to prosecute without delay such of the said purchasers as shall refuse or neglect to pay into the treasury, within the respective periods above limited, or either of them, the interest due or to grow due on the said purchases as aforesaid.
- 5 *IV. And be it further enacted,* That in all cases where debts are due to the people of this state, by several mortgages, contracts or obligations, executed by the same person, only one suit shall be commenced against the debtor or his representatives for the monies so due.
- 6 *V. And be it further enacted,* That the payments which have heretofore been made, on account of any of the said purchases in the Oneida, Onondaga and Cayuga reservations shall be applied towards discharging the interest due on such purchases, and in case such payment shall exceed the interest, the excess shall be applied to the reduction of the principal of the said purchases.

VI. *And be it further enacted*, That the second section of the act, 7
entitled "An act granting relief to purchasers of lands in the late
Onondaga and Cayuga reservations," shall be and is hereby ex-
tended to all persons who were entitled by virtue of any former
statute of this state, to the right of pre-emption to any lands situ-
ate in the late Cayuga reservation.

C H A P. LXV.

*An ACT for the Relief of John Henry and Lydia his Wife, and for
the Relief of John James Labouisse.*

Passed April 2d, 1803.

I. **B**E it enacted by the People of the State of New-York, represent-
ed in Senate and Assembly, That it shall and may be law-
ful for John Henry and Lydia his wife, and John James Labouisse,
to take and hold, by purchase or descent, lands, tenements and
hereditaments, within this state, to them respectively, and to their
respective heirs and assigns for ever, as fully to all intents and
purposes as any natural born citizen may or can do.

II. *And be it further enacted*, That no lands, tenements or here-
ditaments in this state heretofore taken, held or purchased by any
of the persons before named, shall be considered as having es-
cheated to the people of this state by reason or on account of
such persons being aliens, but the same shall be deemed to have
vested in the same manner as if such persons respectively had
been naturalized.

C H A P. LXXII.

An ACT for the Relief of the Heirs of Archibald Campbell, deceased.

Passed April 2d, 1803.

I. **B**E it enacted by the People of the State of New-York represent-
ed in Senate and Assembly, That it shall be lawful for Ger-
rit Van Sante and Chloe Campbell, executor and executrix of the
last will and testament of John Campbell, deceased, who was one
of the executors of, and devisees under the last will and testa-
ment of the said Archibald Campbell, deceased, and Fenner Pat-
mer, Thomas Hoag and Syche Campbell, executors and execu-
trix of the last will and testament of Jacob Campbell, deceased,
who was one other of the executors of and devisees under the
said last will and testament of the said Archibald Campbell, de-
ceased, and Samuel Vail and Silas W. Howell, the guardians of
Thomas Campbell and William Campbell, two of the infant de-
visees of the said Archibald Campbell, deceased, under the direc-
tion of the chancellor of this state, to execute conveyances to
Elisha Crane and the legal representatives of Platt Smith, deceas-
ed, for such parcels of the real estate of the said Archibald Camp-

bell, deceased, as he, the said Archibald Campbell, has bound himself and his heirs, by written contracts, to convey to the said Elisha Crane and Platt Smith, or either of them, their or either of their legal representatives; and that the conveyances so to be executed pursuant to this act, shall be as valied to all intents whatsoever, as if the same had been made by the said Archibald Campbell in his life time.

II. *And be it further enacted*, That it shall be lawful for the aforesaid executors, executrixes and guardians to cause the real estate of the said Archibald Campbell, to be laid out into such and so many lots as shall be necessary for the purpose of a fair and equal division of the said real estate, among the devisees of the said Archibald Campbell; and that a correct return of the survey of the said lots shall be exhibited to the chancellor; and that in case the chancellor shall be satisfied that such survey has been so made as to admit of a fair and equal division of the said real estate among the devisees aforesaid, it shall be lawful for the said chancellor to cause the said lots to be balloted for, in such manner as he shall deem just, and to certify, under his hand and seal, to which of the said devisees any of the said lots shall on such balloting be drawn: which certificate, with a fair copy of the aforesaid survey thereunto annexed, shall be filed, and remain of record in the office of the secretary of this state, and shall be conclusive evidence of the division of the said real estate among the aforesaid devisees; any law to the contrary notwithstanding.

C H A P. LXXIV.

An ACT for the Relief of Angus M'Lean.

Passed April 2d, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the surveyor-general shall by a surveyor thereunto by him deputed, cause a survey to be made of lot number forty, in the township of Junius, in the county of Cayuga, and to ascertain how much, if any, of the said lot is covered with water, which said surveyor shall make a return of such survey to the surveyor-general under oath, and the said survey shall be made at the expense of the said Angus M'Lean, who shall previous thereto, deposit in the hands of the surveyor-general, the sum of thirty dollars, which money he shall apply to defray the charge and expense of such survey, and return the overplus if any there be to the said Angus M'Lean.

II. *And be it further enacted*, That if it shall appear to the surveyor-general from the said survey, that more than fifty acres of the said lot is covered with water, he shall thereupon make a report to the commissioners of the land-office, of the number of acres of the said lot which shall be covered with water, who shall cause letters patent to be issued to the said Angus M'Lean, for so

many acres of either of the lots which were reserved for that purpose in the said town of Junius, and not already appropriated, as shall be equal to the number of acres of the said lot, which shall appear from the said survey to be covered with water.

C H A P. LXXVIII.

An ACT for the Relief of Peter Edmund Elmendorf.

Passed April 4th, 1803.

WHEREAS it appears that there remain deposited in the surveyor-general's office, class rights, the property of Peter Edmund Elmendorf, which while the laws authorizing locations were in force, entitled him to locate and receive a grant of three hundred and forty acres of unappropriated land, but which has not been granted: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office, be and they are hereby authorized and required, to grant unto the said Peter Edmund Elmendorf, his heirs and assigns, the said quantity of three hundred and forty acres of vacant land, in the Eastern district of this state, not otherwise appropriated or reserved for special purposes by law: *Provided,* That all the expenses of the survey thereof, and the other incidental expenses that may arise thereon, shall be paid by the said Peter Edmund Elmendorf.

C H A P. LXXIX.

An ACT for the Relief of Johan Keyser and others.

Passed April 4th, 1803.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the comptroller to release to Johan Keyser, Frederick Ousterhoudt, Jacob J. Failing, Frederick Bellinger, Michael N. Pauter, Hendrick Bellinger and Christian Graff, all the quit rents due or to grow due on the farms belonging to and in their actual occupation, at any period of the late revolutionary war, and which they were respectively obliged to quit on account of the said war: *Provided,* That the said Johan Keyser, Frederick Ousterhoudt, Jacob J. Failing, Frederick Bellinger, Michael N. Pauter, Hendrick Bellinger and Christian Graff, shall produce to the comptroller a certificate or certificates, signed by one of the judges of the court of common pleas in and for the county of Montgomery, specifying that they were severally attached to the American cause during the said war, and were obliged to quit their respective farms on account thereof; and also specifying the number of acres which it shall appear to such judge were contained in their said farms: *And provided further,* That such certificate or certificates shall not entitle any of the said persons to a release of quit rents for more than one hundred and fifty acres.

A a

C H A P. LXXX.

An ACT for the Relief of Lodewick and Shearman Hewitt.

Passed April 4th, 1803.

WHEREAS Lodewick and Shearman Hewitt, in pursuance of the act, entitled "An act relative to lands in Brothertown, purchased of the commissioners therein mentioned, on the twenty-sixth day of September, in the year one thousand seven hundred and ninety-five, two hundred acres of land in Brothertown, designated on the map No. 164, which belonged to the Brothertown Indians, for the consideration of the sum of one hundred and twenty pounds, for the securing of which sum they gave a mortgage to the people of this state of the same lands, the interest of which is by law appropriated to the use of the said Brothertown Indians.

And whereas, On settlement of the said land it appeared, that by some mistake of the surveyors in allotting the said tract called Brothertown, there was wanting one hundred acres in the tract sold to the said Lodewick and Shearman Hewitt, and included in the lot sold by the same commissioners to Nathaniel Graves, No. 163; and by a suit in law the said one hundred acres has been adjudged to belong to the said Nathaniel Graves, with damages and costs of suit: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller be and he is hereby directed to endorse on the mortgage of the said Lodewick and Shearman Hewitt, the sum of one hundred and sixty dollars, with the interest of the same, from the date of the said mortgage, until the last payment of interest on the same; and also, the further sum of one hundred and twenty dollars, for the costs and damages of the said Lodewick and Shearman in defending the said suit; which sums so endorsed being deducted from the sum of the said mortgage, the remainder shall be the sum on which the interest hereafter shall be paid, and the deduction of interest shall accordingly be made from the sum of two thousand one hundred and sixty dollars and seventy-nine cents, directed by law to be annually paid to the said Brothertown Indians.

C H A P. LXXXVIII.

C O N T E N T S.

- 4, 5. Appraisers of Improvements, how appointed---6. To take an oath.
7. ----- To view improvements, and make an appraisement, &c.
8. ----- Their compensation, and by whom paid.
16. Descent, rules of, how to govern in the cases provided by this act.
11. Escheated Lots, commissioners for settling disputes concerning the titles to lands in Onondaga, to make a list of, and deliver it to the attorney-general.
12. ----- Attorney-General, his duty with respect to.
13. ----- Certain possessors of, may on certain conditions have a quantity granted them.
2. Lands settled under colour of a bona fide purchase, possessors to be paid for their improvements.

3. Lands, value of improvements on, how ascertained.
9. ----- Persons claiming title to, to commence an action for the recovery within five years.---10. Provisos relative to.
14. Land-Office, commissioners of, their duty on application to them for the purchase of escheated lots.
18. ----- Five of, to form a quorum.
20. ----- In the absence of the governor to appoint a chairman.
21. ----- The consent and approbation of the governor necessary to make valid the acts of.
1. Officers and Soldiers, who died previous to March 17, 1783, titles to lands granted by letters patent to, declared to have been vested in them at the time of their death.
19. Secretary, made his duty to convene the commissioners of the land-office, whenever necessary.
- 14, 15. Surveyor-General, to cause escheated lots to be surveyed.
17. ----- Appointed one of the commissioners of the land-office.

An ACT granting Relief to certain Persons claiming Title to Lands in the Counties of Cayuga and Onondaga.

Passed April 5th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the title to all lands heretofore granted by letters patent, to officers and soldiers serving in the line of this state, in the army of the United States, in the late war with Great-Britain, and who died previous to the twenty-seventh day of March, one thousand seven hundred and eighty-three, shall be and hereby is declared to have been vested in the said persons at the time of their deaths respectively.

II. *And be it further enacted,* That in all cases where any person or persons, shall have actually settled on any lands granted by the said letters patent, under colour of a *bona fide* purchase by him or them made, and in any action to be instituted for the recovery of such lands, a judgment or decree shall pass against the defendant or tenant, the plaintiff or defendant shall not be permitted to sue out a writ of possession or seisin thereon, or in any manner to divest the said defendant or tenant of the possession of such lands, until he shall have paid the defendant or tenant the value of the improvements made thereon by the said defendant or tenant, or by the person or persons under whom the said defendant or tenant shall hold such possession, deducting thereout a reasonable compensation for the use and occupation of the said lands; which said value of the said improvements and compensation for the use and occupation of the lands, in case of disagreement, as to the amount thereof between the parties, shall be ascertained by the appraisement of three disinterested freeholders, to be mutually chosen by the said parties; and in case the said parties cannot agree in the choice of the whole or any number of the said appraisers, then it shall be lawful for the chancellor of this state, upon the application of either of the said parties, and satisfactory proof given to him by the applicant of such disagreement, and is hereby made his duty in such case, by writing under his hand, to appoint such appraisers as shall not be agreed on by the said parties.

- 6 III. *And be it further enacted*, That the said appraisers shall within thirty days after notice of their being chosen or appointed as aforesaid, severally take and subscribe an oath before one of the justices of the peace of the county in which such land shall be, well and faithfully to preform the trust reposed in them by this
- 7 act, without favour or partiality to either of the parties, and thereupon view the said improvements, and make and subscribe an appraisalment thereof in writing, under their hands and seals, or under the hands and seals of any two of them, and deliver a copy thereof to each of the said parties, if required, and file the original in the office of the clerk of the county where the said lands shall be
- 8 situated; and that each of the said appraisers shall be entitled to three dollars per day for his services, including his reasonable expenses, one moiety whereof shall be paid by each of the said parties whenever the said appraisalment shall be completed.
- 9 IV. *And be it further enacted*, That in all cases where any of the said lands shall be settled in manner aforesaid, the person or persons claiming any title thereto, or any part thereof, shall commence an action for the recovery thereof within five years after the passing of this act, and prosecute the same to effect, without wilful delay, or be for ever thereafter barred from recovering
- 10 the same: *Provided always*, That if any person or persons claiming such title be feme covert, under age or insane, such person or persons shall be permitted to bring such action within five years after such disabilities shall be removed: *And provided also*, That if the person or persons bringing such action shall, before the same be commenced, demand possession of such land from the occupant thereof, and offer to have the value of the improvements thereon appraised according to the provisions of this act, and to pay the amount of such appraisalment, and the said occupant shall neglect or refuse to join in such appraisalment, or to receive the money at which the said improvements shall be valued the plaintiff shall in case he obtains judgment against the defendant, or prevail in such action, recover costs, to be taxed against the said defendant or tenant; but if such demand, offer and refusal as aforesaid shall not have been made prior to the bringing such action, the plaintiff therein shall recover no costs.
- 11 V. *And be it further enacted*, That it shall be the duty of the commissioners appointed by and in pursuance of the act, entitled "An act to settle disputes concerning the titles to lands in the county of Onondaga," to make out a list of all the lots in the counties of Onondaga and Cayuga, which appear to them to have escheated to the people of this state; which list they shall deliver
- 12 to the attorney-general, whose duty it shall be, if he shall have reason to believe that the whole, or any part of the said lands mentioned in the said list, or any other lands in the said counties, shall have escheated as aforesaid, to cause such writ of inquisition and seizure, to be sued out and executed as is directed by the act, entitled "An act concerning escheats," passed the twenty-fourth day of March, one thousand eight hundred and one, and when it shall be found by any such inquisition, that any such lands

have escheated, the attorney-general shall make report thereof to the commissioners of the land-office.

VI. *And be it further enacted*, That if any person shall, in his own right, be in the actual occupation, and that if any person who shall, previous to the passing of this act, have been in the actual occupation of any lands, which shall appear from the said report to have escheated to the people of this state, and such person or his legal representatives shall make application to the said commissioners for the purchase thereof, it shall be the duty of the said commissioners of the land-office to direct the surveyor-general to cause to be surveyed and laid off not exceeding two hundred acres of the lot so applied for, in such manner as to include the improvements of such applicant, and to cause the value thereof at the time such improvement commenced to be ascertained, by the appraisement of two persons to be appointed by the surveyor-general; which survey and appraisement shall be at the expense of the said applicant; and the surveyor-general shall make a report to the said commissioners of the bounds of such lands so surveyed, and of the appraised value thereof; and thereupon the said commissioners shall cause letters patent to be issued to the said applicant for the same: *Provided*, The said applicant shall, before the issuing thereof, pay into the treasury of this state one fifth part of the said appraised value, and secure the payment of the residue thereof in seven years thereafter, with interest annually at six per cent by a bond and mortgage on the said land, executed to the people of this state, and delivered to the comptroller: *Provided also*,

VII. *And be it further enacted*, That when there shall be more than one actual occupant on any one lot, which shall have escheated as aforesaid, it shall be the duty of the surveyor-general, to survey and lay out the said lot into as many parts as there are actual occupants thereon, and in such manner as to include the improvements of each of the said occupants, and in such proportions among them as he shall think proper, and the letters patent shall be issued according to such survey.

VIII. *And be it further enacted*, That the rules of descent, established by the act, entitled "An act to abolish entails, to confirm conveyances by tenants in tail, to regulate descents and to direct the mode of conveyances to joint tenants," shall apply to and govern in all the cases provided for by the first section of this act, except where the lands, specified in any of the letters patent therein mentioned or any part thereof, are held by *bona fide* purchasers or devisees, under any person or persons who would have been the heirs at law of the patentees if this provision had not been made.

IX. *And be it further enacted*, That the surveyor-general of this state, shall be and continue one of the commissioners of the land-office; and that any five of the said commissioners shall constitute a board for the transaction of business; and that it shall be the duty of the secretary of this state, to convene the said commissioners when and as often as may be necessary; and in case of the absence of the person administering the government of this state, at any meeting of the said commissioners, they shall at any

meeting of the said commissioners, appoint a chairman to pre-
side at such meeting : *Provided always,*

- 21 X. *And be it further enacted,* That the consent and approbation of the person administering the government of this state, shall be and hereby is declared to be necessary, in order to the validity of every act and proceeding of the said land-office.

C H A P. XCIII.

An ACT for the Relief of Isaac Lytle.

Passed April 5th, 1803.

WHEREAS it appears that there remains deposited in the surveyor-general's office, a class right the property of Isaac Lytle, which while the laws authorizing locations were in force, entitled him to locate and receive a grant of two hundred acres of unappropriated land, but which has not been granted : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office be, and they are hereby authorized and required, to grant unto the said Isaac Lytle, his heirs and assigns, the said quantity of two hundred acres of vacant land, lying in the Eastern district of this state, not otherwise appropriated or reserved for special purposes by law : *Provided,* That all the expenses of the survey thereof, and the other incidental expenses that may accrue thereon, shall be paid by the said Isaac Lytle.

C H A P. XCV.

CONTENTS.

1. Lands to be granted to Seth Tobey.
2. An Island to Warren Ferris.

An ACT for the Relief of Seth Tobey, and for other Purposes.

Passed April 5th, 1803.

WHEREAS it appears to the legislature, that Benjamin Allen, deceased, was by virtue of an act, entitled "An act for the relief of Benjamin Birdfall and his associates, entitled to a grant of a lot of land known as lot number twenty-eight, lying in the county of Clinton, and being part of a tract of land granted to the said Benjamin Birdfall and his associates ; *And whereas,* It further appears that Seth Tobey, of the city of Hudson, hath become equitably entitled to the said lot of land and ought to have a grant thereof : Therefore,

- I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land-office, and they are hereby required to issue letters patent granting to the said Seth Tobey, his heirs and assigns, the aforesaid lot of land.
- 2 II. *And be it further enacted,* That it shall and may be lawful for the commissioners of the land-office, and they are hereby di-

rected to grant unto Warren Ferris, all that certain island situate in the Hudson river, at the falls called Glen's falls, on which a bridge built by the said Ferris across the Hudson river rests, the said Ferris paying into the treasury of this state thirty dollars for the same : *Provided*, The said island has not been heretofore granted : *And provided further*, That the right of the state be reserved to a highway across said island four rods wide, for ever hereafter, at the place where the said bridge now rests.

C H A P. XCVIII.

C O N T E N T S.

4. Denny, John.---2. Mills, Peter.---1. Pope, John.---3. Reeve, Israel,
Land-Office directed to grant lands to.

An ACT for the Relief of John Pope and others.

Passed April 5th, 1803.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to John Pope, late a soldier in colonel Lee's legion of light-horse, serving in the army of the United States, in the same manner as has been granted to soldiers serving in the line of this state, for four hundred and fifty acres of any unappropriated lands set apart for the use of the line of this state, to hold to the said John Pope during his natural life, and then to his heirs and their assigns for ever.

II. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to Peter Mills for the same quantity of lands in the tract set apart for the use of the line of this state serving in the army of the United States, as has been granted to officers of the rank of captain, in the said line, as a gratuity for his services and sufferings during the revolutionary war : *Provided always*, That previous to the issuing of the letters patent the grantee shall pay into the treasury of this state the fees for surveying the land contained in such letters patent, and produce to the said commissioners a receipt thereof.

III. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to Israel Reeve, late a soldier in captain Titus's company, in a regiment commanded by colonel Henry B. Livingston, in the line of the army of the United States, and his heirs and assigns for ever, for the same quantity of land in the tract set apart for the use of the line of this state serving in the army of the United States, as has been granted to the private soldiers in said line, as a gratuity for his services and sufferings during his services in the revolutionary war : *Provided always*, That previous to the issuing of the letters patent the grantee shall pay into the treasury of this state the fees for surveying the land contained in such letters patent, and produce to the said commissioners a receipt thereof.

- IV. *And be it further enacted*, That the commissioners of the land-office be and they are authorized and required to issue letters patent, under the great seal of this state, to John Denny, late a lieutenant in the line of this state, serving in the army of the United States, as a gratuity for his services in the late American war, for two hundred acres of land in the tract set apart for the use of the line of this state, for and during the life of the said John Denny and his wife, with remainder to the children of the said John Denny, their heirs and assigns for ever.

C H A P. LVI.

An ACT to authorize the Treasurer to pay John Robison and others certain Sums of Money.

Passed March 26th, 1803.

WHEREAS Robert McClallen, late treasurer of this state, did draw on the cashier of the bank of New-York, on warrants issued by the comptroller in favour of John Robison and several other persons, for the sums therein mentioned, which drafts the said cashier hath refused to pay : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller shall on the delivery to him such unpaid drafts, draw his warrant on the treasurer for the payment of the sums therein specified, in favour of the persons entitled to the same, which warrants the treasurer is hereby authorized and required to pay out of any monies in the treasury not otherwise appropriated.

C H A P. XXXV.

An ACT to enable Peter Van Bomell and his Family to assume the Surname of Maillon, instead of their present Name.

Passed March 16th, 1803.

WHEREAS Peter Van Bomell, of the county of Dutchess, hath by his petition prayed the legislature to enable him and his family, by law, to assume the surname of Maillon, instead of their present name, whereby certain benefits will result to his family : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said Peter Van Bomell, at all times hereafter, shall and may take upon himself the name of Peter Robert Maillon, and by the same name shall be known and called in all cases whatsoever ; and that the family of the said Peter Van Bomell, namely, his wife Elizabeth, and Leonard, Jane, Ann, Elizabeth and Charles, his children, shall and may at all times hereafter assume and take upon themselves the surname of Maillon, instead of their present surname, and by the same name shall be known and called in all cases whatsoever.

And be it further enacted, That this act shall be considered as a public act.

C H A P. XXXI.

An ACT to pardon George, a Seneca Indian, otherwise called Stiff-Armed George, convicted of Murder.

Passed March 12th, 1803.

WHEREAS George, a Seneca Indian, otherwise called Stiff-Armed George, at a court of oyer and terminer held in and for the county of Ontario, on the twenty-third day of February, one thousand eight hundred and three, was convicted of the murder of John Hewitt, and sentenced to be executed on the fifteenth day of April next : *And whereas*, it appears to the legislature from the message of his excellency the governor, and the report of Mr. Justice Livingston, who presided at the said court, accompanying the said message, that it is expedient to pardon the said George : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said George, otherwise called Stiff-Armed George, be, and he is hereby fully and absolutely pardoned and discharged from the felony and conviction aforesaid, and all execution and forfeitures thereon : *Provided nevertheless*, That the said George shall continue in prison until the chiefs and sachems of the Seneca nation shall have given satisfactory assurances to the judges of the court of common pleas of the county of Ontario, or a majority of them, that the said George shall immediately be sent out of this state, and that he shall not hereafter return within the limits of the same : *And provided further*, That the said George shall fulfil and conform to such assurances of the said chiefs and sachems.



L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE TWENTY-SEVENTH SESSION OF THE LEGISLATURE,
BEGUN AND HELD AT THE CITY OF ALBANY, JANUARY 31, 1804.



Counties.

C H A P. XXXI.

CONTENTS.

1. Cayuga, part of, erected into a new county by the name of Seneca.
2. ----- Part of, annexed to Ontario---3. Part to Steuben.
4. ----- Residue to continue a separate county.
16. Commissioners, to superintend building court house for Seneca.
18. ----- Their powers---20. To account with the supervisors.
23. ----- To superintend building court house for Cayuga.
25. ----- Their powers---27. To account with the supervisors.
5. Courts of Seneca---6. Terms---7. Jurisdiction---8. Where held.
29. ----- of Cayuga, where held.
11. ----- Circuit, not to be held in Seneca, unless necessary.
17. Court House, for Seneca---24. For Cayuga, where to be erected.
9. Inhabitants of Seneca, their privileges.
- 12, 13. Members of Assembly, number each county is entitled to.
2. Ontario, part of Cayuga county annexed to.
10. Prisoners, in Seneca county, may be confined in the gaol of Tioga.
1. Seneca, a new county, erected from part of Cayuga.
3. Steuben, part of Cayuga annexed to the county of.
14. Supervisors, their duty---15, 22. To raise money to build c. house.
19. Treasurer of Seneca, his duty---26. Of Cayuga, his duty.
- 21, 28. ----- His compensation.

An ACT to divide the County of Cayuga, and for other Purposes.

Passed March 24th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the county of Cayuga beginning at the head of the Seneca lake, and running thence east on the south bounds of the said county, to the southeast corner of the town of Ulysses; thence north to the northeast corner of said town; thence west to the middle of the Cayuga lake; thence down the middle of said lake to the outlet thereof; thence down the outlet of said lake to the west line of the town of Brutus; thence north by the west lines of the towns

of Brutus and Cato, to the northwest corner of the town of Cato ; thence north to lake Ontario ; thence west along said lake to the county of Ontario ; thence south along the east line of said county to the Seneca lake ; thence south through the middle of the Seneca lake to the place of beginning, shall be one separate and distinct county, and shall be called and known by the name of Seneca ; and all that part of the said county of Cayuga lying west of the county of Seneca, and opposite to the county of Ontario, shall be and hereby is annexed to the said county of Ontario ; and all that part of the said county of Cayuga lying west of the said county of Seneca, and opposite to the county of Steuben, shall be annexed to the said county of Steuben ; and all the residue of the said county of Cayuga shall be and remain a separate county by the name of Cayuga.

II. *And be it further enacted*, That there shall be held in and for the said county of Seneca, a court of common pleas and a court of general sessions of the peace, and that there shall be two terms of the same courts in the same county in every year, to commence as follows, to wit : The first term of the said courts shall begin on the second Tuesday of May next, and may continue to be held until the Saturday following, inclusive ; and the second term of the said courts shall begin on the second Tuesday of November next, and may continue to be held until the Saturday following, inclusive ; and the said courts of common pleas and general sessions of the peace, shall have the same jurisdiction, powers and authority in the said county as the courts of common pleas and general sessions of the peace in the other counties of this state have in their respective counties : *Provided*, That nothing in this act contained shall be construed to affect any suit or action in any court whatever already commenced, or that shall be commenced before the second Tuesday of May next, so as to work a wrong or prejudice to any of the parties therein or to affect any criminal or other proceedings on the part of the people of this state, but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had not been passed.

III. *And be it further enacted*, That the said courts of common pleas and general sessions of the peace in the said county of Seneca, shall be holden at the meeting house, on lot number thirty in the town of Ovid, until further legislative aid in the premises.

IV. *And be it further enacted*, That the freeholders and inhabitants of the said county hereby erected, shall have and enjoy all and every the same rights, powers and privileges as the freeholders and inhabitants of any other county in this state are by law entitled to have and enjoy.

V. *And be it further enacted*, That it shall and may be lawful for all courts and officers of the said county of Seneca, in all cases, civil and criminal, to confine their prisoners in the gaol of the county of Tioga ; and that it shall not be the duty of the justices of the supreme court to hold a circuit court once in every year in the said county of Seneca, unless in their judgment they shall deem it proper and necessary, any thing in the act, entitled

"An act for regulating trials of issues and returning able and sufficient jurors," to the contrary notwithstanding.

VI. *And be it further enacted*, That the said county of Seneca 12 shall be entitled to choose one member of assembly, and the coun- 13 ty of Cayuga shall be entitled to choose two members of assembly, in the same manner as other counties in this state are by law entitled.

VII. *And be it further enacted*, That it shall be the duty of the 14 supervisors of the said counties of Cayuga and Seneca to meet together on the second Tuesday of June next, at the village of Aurora, in the town of Scipio, and adjust all accounts, and apportion all the monies in the hands of the treasurer of the said county of Cayuga, as to them or a majority of them, shall appear just and equitable.

VIII. *And be it further enacted*, That the supervisors in the 15 several towns in the county of Seneca, for the time being, or a majority of them, shall be and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of one thousand dollars, for building a court house and gaol in said county, with the additional sum of five cents on each dollar for collecting the same, which sums shall be raised at such times, levied and collected in the same manner as the other necessary and contingent charges of the county are levied and collected.

IX. *And be it further enacted*, That John Sayer, James Van 16 Horne and Grover Smith be, and they are hereby appointed commissioners to superintend the building of the court house and gaol in the said county of Seneca, which said court house 17 and gaol shall be erected in the town of Ovid, and not more than four miles south of the north line of said town, and not less than three miles from the Seneca and Cayuga lakes, at such place within the limits aforesaid, and on such plan as the said commissioners, or a majority of them, shall judge best; and the 18 said commissioners, or a majority of them, may contract with workmen and purchase materials for erecting said court house and gaol, and shall, from time to time, draw upon the treasurer of the said county for such sums of money for the purposes aforesaid as shall come into the treasury by virtue of this act; and the treasurer is hereby required, out of the monies afore- 19 said, to pay to the order of the said commissioners the several sums of money to be by them drawn for; and it is hereby made 20 the duty of the said commissioners to account with the supervisors of the said county for the monies which they shall have received from the treasury, when thereunto required.

X. *And be it further enacted*, That it shall be lawful for the 21 treasurer of the said county of Seneca to retain in his hands one cent on each dollar for his trouble in receiving and paying out the monies directed to be raised in said county by this act.

XI. *And be it further enacted*, That the supervisors of the se- 22 veral towns in the county of Cayuga for the time being, or a majority of them, shall be, and they are hereby authorized and required to direct to be raised and levied on the freeholders and

inhabitants of the said county of Cayuga, the sum of one thousand five hundred dollars, for building a court house and gaol in the said county, with the additional sum of five cents on each dollar for collecting the same, which sums shall be raised and collected in the same manner as the necessary and contingent charges of the county are levied and collected.

23 XII. *And be it further enacted*, That John Tillotson, Augustus
Chidsey, and John Grover, junior, be, and they are hereby appointed commissioners to superintend the building the court
24 house and gaol in said county of Cayuga, which said court house and gaol shall be erected on the Popple Ridge road, and within
one mile of the south end of lot number forty-six, in the town of Scipio, at such place and on such plan as the said commission-
25 ers, or a majority of them, shall judge best ; and the said commissioners, or a majority of them, may contract with workmen and purchase materials for erecting said court house and gaol, and shall, from time to time, draw upon the treasurer of the said county for such sums of money for the purpose aforesaid as shall
26 come into the treasury by virtue of this act ; and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners the several sums of money to be
27 by them drawn for ; and it is hereby made the duty of the commissioners to account with the supervisors of the said county for the monies which they shall have received from the treasury when thereunto required.

28 XIII. *And be it further enacted*, That it shall and may be lawful for the treasurer of the said county of Cayuga to retain in his hands one cent on each dollar, for his trouble in receiving and paying out the monies directed to be raised in said county by this act.

29 XIV. *And be it further enacted*, That the courts of common pleas and general sessions of the peace in the said county of Cayuga, shall be held at the village of Aurora, in the town of Scipio in said county, until further legislative aid in the premises: *Provided*, That nothing contained in this act shall be construed to affect any suit or action, in any court whatever, already commenced, or that shall be commenced before the third Tuesday of May next, so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this state, but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had not been passed.

C H A P. L.

C O N T E N T S.

1. Chenango county, part of, annexed to Oneida county.
2. Commissioners, for designating scite of c. house, how appointed.
- 4, 5. ----- Their duty and compensation.
- 7, 8. ----- For superintending building c. house, how appointed, and their powers and duties.---9. To account.

11. Courts, when to adjourn to new court house.

Court House and Gaol...see *Commissioners, Sheriff.*

1. Oneida county, part of Chenango annexed to.

2. Sangerfield, town meeting last held therein, valid.

10. Sheriff, when to remove prisoners to new gaol.

6. Supervisors, to raise money for building court house and gaol.

An ACT to annex a Part of the County of Chenango, to the County of Oneida, and to authorize the raising a Sum of Money to build a Court House and Gaol in the said County of Chenango.

Passed April 4th, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the county of Chenango, included in the town of Sangerfield, shall be, and the same is hereby annexed to the county of Oneida : *Provided always*, That all and every proceeding in any court of this state, the power of the said courts, and of all and every person acting in pursuance of their authority or otherwise, in any cause, suit, controversy and proceeding, heretofore begun and commenced, shall continue and be effectual to the completing such cause, suit, controversy and proceeding, any thing in this act contained to the contrary notwithstanding.

II. *And be it further enacted*, That the town meeting last held in the said town of Sangerfield, shall be deemed as effectual as if the said town had belonged to the county of Oneida, and the officers elected at such town meeting, shall do and perform all the duties required of town officers in the said county of Oneida, in respect to elections as otherwise.

III. *And be it further enacted*, That the person administering the government of this state, be and he is hereby required, by and with the advice and consent of the council of appointment, to appoint three discreet and disinterested persons commissioners for designating a place for a court house and gaol for the said county of Chenango ; and for that purpose the said commissioners shall, as soon as may be after the first day of May next, repair to the said county, and after exploring the same, ascertain and designate a fit and proper place therein for erecting said building, having respect or reference to a future alteration of the boundary line of the said county, if in their opinion any such alteration may be necessary : *Provided always*, That in case the commissioners above named, or any two of them, shall not be able to agree upon a place for the said court house and gaol, it shall then be their duty to nominate an additional commissioner to associate with them, in discharging the said trust, and the determination of any two of such commissioners shall be conclusive in the premises : *Provided further*, That any two of the said commissioners, in case of the non-attendance of the other, on due notice being given for that purpose, shall be competent to discharge said trust, and the concurrence of any two of such commissioners shall be conclusive in the premises.

IV. *And be it further enacted*, That the said county of Chenango shall allow and pay to each of the said commissioners, to

as aforesaid appointed to designate the scite of the said court house and gaol, at and after the rate of three dollars per day for each and every day they shall be employed in executing the trust enjoined on them by this act, which allowance shall be levied and paid as part of the contingent charges of the said county, and the treasurer thereof is hereby required and directed to pay the same out of any monies in the treasury, an account of which he shall exhibit to the board of supervisors of the said county at their next meeting thereafter.

- 6 V. *And be it further enacted*, That the supervisors of the several towns in the county of Chenango, for the time being, or a majority of them, shall be and are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of three thousand dollars for building a court house and gaol in the said county, with the additional sum of five cents on each dollar for collecting the same, which said sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are levied and collected.
- 7 VI. *And be it further enacted*, That it shall be lawful for the supervisors in the said county of Chenango, or a majority of them, to appoint three commissioners to superintend the building the court house and gaol, which shall be erected in the said county of Chenango, at such place as may be fixed and determined upon by the commissioners for that purpose in this act before appointed ; and the said commissioners, or a major part of them, shall and may contract with workmen, and purchase materials for erecting the said court house and gaol, and if necessary for the proceeding with the building of the said court house and gaol, may expend monies in and about the same, which shall be repaid and settled out of and from the sum so as aforesaid to be levied and collected for the building the court house and gaol, whenever the same shall be levied and collected ; and shall, from time to time, draw upon the treasurer of the said county for such sums of money for the purposes aforesaid as shall come into the treasury by virtue of this act ; and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners the several sums of money to be by them drawn for :
- 8 and it is hereby made the duty of such commissioners so to be appointed, to account with the supervisors of the said county for the monies which they have received from the treasury when thereunto required.
- 9
- 10 VII. *And be it further enacted*, That the building erected or to be erected for that purpose, at the place which shall be designated as aforesaid, shall be the gaol of the said county of Chenango ; and as soon as the same building shall, in the opinion of the sheriff of the county, be finished in such manner as to confine his prisoners, it shall and may be lawful for such sheriff to remove his prisoners, either upon civil or criminal process, to such gaol, and confine them therein, and such removal shall not be deemed an escape in such sheriff.
- 11 VIII. *And be it further enacted*, That it shall and may be law-

ful for the courts of common pleas and general sessions of the peace in and for the said county, as soon as the said court house and gaol shall be finished so as to accommodate the same courts, to adjourn to the said court house, and thereafter continue to hold the terms of the said courts at the said court house, and no action or prosecution depending in the same courts shall be abated, discontinued, or in any manner prejudiced in law by such adjournment.

Towns.

C H A P. XXII.

C O N T E N T S.

1. Chazy, a town erected from part of Champlain.
5. Champlain, residue thereof to continue a town by the same name.
8. Lines of Chazy and Champlain, their extent.
3. Mooers, a town erected from part of Champlain.
7. Supervisors and Overseers of the poor, their duty.
- 2, 4, 6. Town Meetings, where to be held.

An ACT for dividing the Town of Champlain, in the County of Clinton.

Passed March 20th, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday of April next, all that part of the town of Champlain, in the county of Clinton, on the south side of a line beginning on the lake shore at the southeast boundary of lot number fifteen; said lot being a part of the lands granted by the state of New-York to certain Canadian and Nova-Scotia refugees; thence by the south line of said lot westerly, and on the north line of a tract of land known by Bell's patent, originally granted to Hezekiah Tuttle, and westerly upon the north line of eighty acre lots, to wit: Numbers one hundred and forty-five; one hundred and sixty-three; one hundred and seventy-eight; one hundred and forty three; one hundred and ninety-five; two hundred and seventeen and two hundred and thirty-two; and from the northwest corner of the last mentioned lot, a straight line to the north east corner of lot number eight, a four hundred and twenty acre lot, a part of those lands granted as aforesaid; from thence westerly on the north line of lots number eight, twenty-five, thirty-two, forty-nine, sixty-three, eighty, eighty-seven, one hundred and four; one hundred and twelve; one hundred and twenty-nine; one hundred and thirty-eight; one hundred and fifty-five; one hundred and sixty-six; one hundred and eighty-three, and one hundred and ninety-two, and from thence on the same course to the west line of said town, shall be and is hereby erected into a separate town, by the name of Chazy; and that the first town meeting shall be held at the house of Eleazer Graves in said town.

B

- 3 II. *And be it further enacted*, That that part of the said town of Champlain situated north of the line before described, and west of the following line, to wit : Beginning at the northwest corner of lot number eight before described, and running northerly upon the west line of lots number nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen, to the province of Canada ; shall be and is hereby erected into a separate town by the name of Mooers ; and that the first town meeting shall be held at the house of ——— Shaden, in said town ; and that all the remainder of the town of Champlain, shall be and remain a separate town by the name of Champlain ; and that the next town meeting be held at the house of Samuel Hicks in the said town.
- 7 III. *And be it further enacted*, That as soon as may be, after the first Tuesday in April next, the supervisors and overseers of the poor of the aforesaid towns, on notice being previously given by the said supervisors for that purpose, shall meet and divide the poor and money belonging to the said town of Champlain, previous to the division thereof, agreeable to the last tax list, and that each of the said towns shall for ever thereafter respectively support their own poor.
- 8 IV. *And be it further enacted*, That the lines of the said towns of Champlain and Chazy, do and shall extend east to the east boundary of the state of New-York.

C H A P. XXIII.

C O N T E N T S .

1. Crownpoint, parts thereof erected into two new towns.
5. ——— Residue to continue a separate town.
8. Lines of Crownpoint and Tyconderoga, their extent.
1. Schroon, a new town erected from part of Crownpoint.
7. Supervisors and Overseers of the Poor, their duty.
5. Tyconderoga, a new town erected from part of Crownpoint.
- 2, 4, 6. Town Meetings, where to be held.

An ACT for dividing the Town of Crownpoint, in the County of Essex.

Passed March 20th, 1804.

- 1 I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the thirty-first day of March instant, all that part of the town of Crownpoint in the county of Essex, beginning eight miles west from the southeast corner of the town aforesaid, following the south bounds of the county of Essex ; thence north, two degrees west, to the south line of Elizabethtown ; thence west on the south line of Elizabethtown, till it strikes Montgomery county ; thence south on the said line till it strikes the town of Thurman in Washington county ; thence east to the place of beginning ; shall be and hereby is erected into a separate town, by the name of Schroon ; and the first town meeting shall be held at the house of Israel Johnson in said town.
- 3 II. *And be it further enacted*, That from and after the thirty-

first day of March instant, all that part of the said town of Crownpoint beginning at the southeast corner of said town ; thence running due west eight miles ; thence north, two degrees west, till it shall intersect a west line drawn from the northeast corner of Sutherland's patent on the lake shore ; thence east to the northeast corner of said patent ; thence south along the lake shore to the place of beginning ; shall be and hereby is erected into a separate town, by the name of Tyconderoga ; and the first town meeting shall be held at the house of William Wilton in said town ; and that all the remaining part of said town of Crownpoint shall be and remain a separate town by the name of Crownpoint ; and that the next town meeting shall be held at the house of William Coon in said town.

III. *And be it further enacted*, That as soon as may be after the first Tuesday of May next, the supervisors and overseers of the poor of the aforesaid towns shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Crownpoint, and the poor money belonging to the same previous to the division thereof, agreeably to the last tax list ; and that each of said towns shall for ever thereafter respectively support their own poor.

IV. *And be it further enacted*, That the lines of said towns of Tyconderoga and Crownpoint, do and shall extend east to the east bounds of the state of New-York.

C H A P. XXIX.

C O N T E N T S.

1. Adams, a new town erected from part of it.
7. ----- Residue to continue a separate town.
12. Harrisburgh, part of the town of Mexico annexed to.
 1. Harrison, a new town, erected from part of Adams.
 3. Malta, a new town, erected from part of Mexico.
 8. Mexico, residue to continue a separate town.
- 10, 11. Supervisors and Overseers of the Poor, their duty.
- 2, 4, 6, 9. Town Meetings, where to be held.
5. Williamstown, a new town, erected from part of Mexico.

An ACT to divide the Towns of Adams and Mexico, in the County of Oneida.

Passed March 24th, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Tuesday of March next, all that part of the town of Adams, in the county of Oneida, known and distinguished by township number eight, shall be and the same is hereby erected into a separate town by the name of Harrison ; and that the first town-meeting shall be held at the dwelling house of Simeon Hunt ; and that all that part of the town of Mexico, known and distinguished by townships numbers one and two, shall be and the same is hereby erected into a separate town by the name of Malta ; and that

- the first town meeting shall be held at the dwelling house of
 5 John Alger ; and that all that part of the town of Mexico known
 and distinguished by townships numbers ten and eleven, in Con-
 stable's patent, with the fifth, sixth, twenty-first and twenty-second
 in Scriba's patent, including townships numbers six and seven,
 shall be and the same is hereby erected into a separate town by
 6 the name of Williamstown ; and that the first town meeting shall
 7 be held at the dwelling house of Daniel Stilton ; and that all the
 remaining part of the town of Adams shall be and remain a se-
 8 parate town by the name of Adams ; and that all the remaining
 part of the town of Mexico shall be and remain a separate town
 9 by the name of Mexico ; and that the next annual town meet-
 ing for the towns of Adams and Mexico, shall be held at such
 place to which they respectively stand adjourned.
- 10 II. *And be it further enacted*, That as soon as may be after the
 first Tuesday in March next, the supervisors and overseers of the
 poor of the said towns of Adams and Harrison, on notice being first
 given for that purpose, shall meet together and divide the money
 and the poor belonging to the said town of Adams, previous to
 the division thereof, agreeable to the last state tax list, and that
 each of the said towns shall for ever thereafter respectively main-
 tain their own poor.
- 11 III. *And be it further enacted*, That as soon as may be after the first
 Tuesday in March next, the supervisors and overseers of the poor
 of the said towns of Mexico, Malta and Williamstown, on notice
 being first given for that purpose, shall meet together and divide
 the money and the poor belonging to the said town of Mexico,
 previous to the division thereof, agreeable to the last tax list ;
 and that each of said towns shall for ever thereafter respectively
 maintain their own poor.
- 12 IV. *And be it further enacted*, That all that part of the said
 town of Mexico known and distinguished on the surveyor-gener-
 al's map of this state, by the name of Handel, shall be and the
 same is hereby annexed to the town of Harrisburgh in said
 county.

C H A P. XXXIV.

An ACT to annex Part of the Town of Bristol to the Town of Blenheim, in the County of Schoharie.

Passed March 27th, 1804.

I. **B**E it enacted by the People of the State of New-York, repre-
 sented in Senate and Assembly, That from and after the
 first day of April next, all that part of the town of Bristol, in the
 county of Schoharie, comprehended within the bounds following,
 to wit : Beginning where Walter Butler's patent line crosses the
 town line between the towns of Middleburgh and Bristol, north
 of the dwelling house of Christian Shafer ; thence south along
 said Walter Butler's patent to Smith's patent ; thence south
 along Smith's patent to Edward Clark's patent ; thence along

the line of said Edward Clark's patent south, twenty degrees west, to the dwelling house of John Hoagland, in the town of Blenheim, shall be and is hereby annexed to the town of Blenheim.

II. *And be it further enacted*, That all the remaining part of the town of Bristol shall continue to be and remain a separate town, and retain its former name.

C H A P. XLVI.

C O N T E N T S.

1. Cincinnatus, a new town, erected from part of Solon;
7. Homer, residue to continue a separate town by the same name.
3. Solon, residue to continue a separate town by the same name.
- 4, 8. Supervisors and Overseers of the Poor, their duty.
- 2, 6. Town meetings, where to be held.
5. Virgil, a new town, erected from part of Homer.

An ACT to divide the Towns of Solon and Homer, in the County of Onondaga.

Passed April 3d, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Monday preceding the first Tuesday in the month of March, in the year one thousand eight hundred and five, all that part of the town of Solon in the county of Onondaga, known by the name of Cincinnatus, shall be, and the same is hereby erected into a separate town by the name of Cincinnatus; and the first town meeting in the said town of Cincinnatus, shall be held at the dwelling house of George Dodge in said town; and that all the remaining part of the town of Solon, shall be and remain a separate town by the name of Solon.

II. *And be it further enacted*, That as soon as may be after the first Tuesday in March, one thousand eight hundred and five, the supervisors and overseers of the poor of the said towns of Solon and Cincinnatus, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and poor belonging to the town of Solon, previous to the division thereof agreeable to the last tax list; and that each of the said towns shall for ever thereafter respectively maintain their own poor.

III. *And be it further enacted*, That from and after the Monday preceding the first Tuesday in the Month of March, in the year one thousand eight hundred and five, all that part of the town of Homer lying south of the division line between the townships of Homer and Virgil, shall be and hereby is erected into a town by the name of Virgil; and that the first town meeting be held at the dwelling house of James Knapp in said town; and all the residue of said town of Homer shall be and remain a separate town by the name of Homer.

IV. *And be it further enacted*, That as soon as may be after the first Tuesday in the month of March, in the year one thousand

eight hundred and five, the supervisors and overseers of the poor of said towns of Homer and Virgil, shall, after notice being given for that purpose by the supervisors of said towns, meet together and apportion the poor maintained by the said town of Homer, and the poor money belonging to the same town, previous to the division thereof, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor and poor money as aforesaid, then and in such case the supervisors of the county of Onondaga shall, at their next meeting, apportion and divide the poor and poor money as aforesaid, in such manner as shall appear to them most just and equitable, and the said towns shall thereafter respectively maintain their own poor.

C H A P. LXXX.

C O N T E N T S.

5. Privileges of towns and town officers.
3. Shandaken, a new town, erected from part of Woodstock.
6. Supervisors and Overseers of the Poor, their duty.
- 2, 4. Town Meetings, where to be held.
1. Woodstock, certain part thereof to remain a separate town.

An ACT to divide the Town of Woodstock, in the County of Ulster.

Passed April 9th, 1804.

- 1 **I.** *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, all that part of the town of Woodstock lying east of a line beginning at the northwest corner of the town of Hurly, at the place called Toomties Hook, and running due north till it intersects the town of Windham, shall be and hereby
- 2 is erected into a separate town by the name of Woodstock; and the first town meeting in the said town of Woodstock shall be held at the dwelling house of William Eltinge in said town:
- 3 And that all the remaining part of the said town of Woodstock shall be and remain a separate town by the name of Shandaken;
- 4 and the next annual town meeting in said town of Shandaken shall be held at the dwelling house of William Rogers in said town.
- 5 **II.** *And be it further enacted,* That the said towns of Woodstock and Shandaken, and the officers by them to be elected, shall be entitled to all the privileges, and subject to the same penalties that the other towns in this State are by law entitled and subject to.
- 6 **III.** *And be it further enacted,* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the said towns of Woodstock and Shandaken, on notice being first given by the said supervisors for that purpose, shall meet together and divide the money and poor belonging to the town of Woodstock previous to the division thereof, agreeable to the last State tax list, and that each of the said towns shall for ever thereafter respectively support their own poor.

C H A P. CXII.

C O N T E N T S.

1. Batavia, a new town erected from---7. Residue a separate town.
5. Chautauque, a new town erected from part of Batavia.
10. Common Pleas, an additional of, term granted to Genesee county.
3. Erie, a new town, erected from part of Batavia.
9. Supervisors and Overseers of the Poor, their duty.
- 2, 4, 6, 8. Town Meetings, where to be held.
1. Willink, a new town, erected from part of Batavia.

An ACT to divide the Town of Batavia into four Towns.

Passed April 11th, 1804.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Tuesday of February next, all that part of the town of Batavia, beginning in the north boundary line of the state of Pennsylvania where the meridian line between the third and fourth ranges of townships of Holland company lands commences, thence north along the said meridian line to the boundary line in lake Ontario between the United States and the king of Great Britain, thence westerly along said boundary line to a point in the same meridian with the western transit meridian line, being the division line between the sixth and seventh ranges of townships of the Holland company lands, represented by the map aforesaid, thence south along the said western transit meridian line to the north boundary of the state of Pennsylvania, and thence east along the said north boundary of Pennsylvania to the place of beginning, shall be and is hereby erected into a separate town by the name of Willink; and that the first town meeting in said town of Willink shall be held at the dwelling house of Peter Van Deventer. And all that part of the town of Batavia beginning in the north boundary of the state of Pennsylvania where the western transit meridian line aforesaid commences, and running thence north along said western transit meridian line (being the western boundary of the town of Willink) to the boundary line in lake Ontario between the United States and the king of Great Britain, thence along said boundary line until it strikes the communication of water between that lake and lake Erie, thence along the middle of said communication into lake Erie, thence southwesterly along the said boundary line in lake Erie to a point in the same meridian with the meridian or division line between the tenth and eleventh ranges of townships of the Holland company lands as represented by the map aforesaid, thence south along said meridian line to the north boundary of the state of Pennsylvania, and thence east along the said north boundary to the place of beginning, shall be and is hereby erected into a separate town by the name of Erie; and that the first town meeting in said town of Erie shall be held at the dwelling house of John Crow. And all that part of the town of Batavia, beginning in the north boundary of the state of Pennsylvania where the meridian line between the tenth and eleventh ranges of the Holland company's lands commences, thence

- north along said meridian line bounding east on the town of Erie to the boundary line in lake Erie between the United States and the king of Great Britain, thence southerly along said boundary line to a meridian being the western bounds of the state of New-York, thence south along said western bounds to the north bounds of the state of Pennsylvania, and thence east along said north bounds of Pennsylvania to the place of beginning, shall be and is hereby erected into a separate town by the name of Chautauque; and that the first town meeting in said town of Chautauque shall be held at the dwelling house of the widow M^r Henry. And all the remaining part of the town of Batavia shall be and remain a separate town by the name of Batavia; and that the next annual town meeting shall be held at the court house in said town.
- II. *And be it further enacted*, That as soon as may be after the first Tuesday in April, the supervisors and overseers of the poor of the said towns of Batavia, Willink, Erie and Chautauque, on notice being first given for that purpose, shall meet together and divide the money and the poor belonging to the town of Batavia previous to the division thereof, agreeably to the last state tax list, and that each of the said towns shall for ever thereafter maintain their own poor.
- III. *And be it further enacted*, That from and after the passing of this act there shall be one additional term of the court of common pleas in and for the county of Genesee in each and every year hereafter, which said term shall commence on the first Tuesday in February, and may be continued until and including the Saturday thereafter.

Colonie of Waterblijet.

C H A P. LXXXVII.

C O N T E N T S .

5. Assessments, how made.
- 6, 11. Assessors, how chosen---12. Vacancy how supplied.
7. 17. Collector, his duty---11. How elected---12. Vacancy how supplied.
1. Colonie, boundaries thereof designated. [plied.
20. Compensation to Assessors, Collector & Treasurer. 16. To Clerk.
2. Election, first when to be held---3. Anniversary day of, &c.
10. Fines, Trustees authorized to institute for offences against bye-laws.
14. ----- On persons refusing to accept an office when elected.
23. Firemen, exempt from certain duties.
11. Fire Wardens, how elected---12. Vacancy how supplied.
4. Inhabitants declared a body corporate---their style and rights.
13. Oaths, by whom to be taken.
21. Paving, monies to be raised for, how assessed.
15. President and 16. Clerk, Trustees to appoint.
8. Taxes, not to be laid without consent of inhabitants.
11. Treasurer, how chosen---12. Vacancy how supplied.
18. ----- To pay monies on order of the Trustees.
9. Trustees, authorized to make bye-laws---24. Duration of office.
22. ----- To regulate Fire Company,---19. To keep an account.

An ACT to vest certain Powers in the Freeholders and Inhabitants of that Part of the Town of Watervliet, in the County of Albany, commonly called the Colonie.

Passed April 9th, 1804.

WHEREAS it has been represented to the legislature by the inhabitants of the said Colonie, that the laws now in force are inadequate for the regulation of their internal police.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all that part of the town of Watervliet comprehended in the following bounds, to wit: Beginning on the west bank of Hudson's river, and in the northeast corner of the bounds of the city of Albany, and extending northerly along the said river about three quarters of a mile, to what is commonly called the Mill creek; thence running westerly one mile up along the said creek; thence southerly, with a line parallel to the said river till it strikes the north bounds of the said city; thence easterly along the said north bounds to the place of beginning, shall hereafter be known and distinguished by the name of the Colonie; and the freeholders and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may, on the first Monday of May next, meet at some proper place, to be appointed by any justice or justices of the peace within the said Colonie or county, and notified to the inhabitants thereof at least six days previous to the said first Monday of May next, and then and there proceed to elect five discreet freeholders, resident within the said Colonie, to be trustees thereof, who, when chosen, shall possess the several powers and discharge the several duties hereinafter specified; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes as duly chosen trustees; and on every first Monday of May after the first election of the trustees, there shall in like manner be a new election of trustees for the said Colonie; and the trustees for the time being shall perform the several duties required from the said justice or justices in respect of notifying the meetings of the freeholders and inhabitants of said Colonie, and proceeding at such election.

II. *And be it further enacted,* That all the freeholders and inhabitants residing within the limits aforesaid, be and they are hereby ordained, constituted and declared to be, from time to time, and for ever hereafter, one body politic and corporate, in fact and in name, by the name of "The Trustees of the Colonie," and by that name they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, and of erecting public buildings, such as a fire engine

house or houses, a school house, or raising monies by tax for erecting those public buildings, or making any other necessary repairs or improvements, which money to be raised shall be assessed upon the freeholders and inhabitants of the said Colonie according to law, by not less than three nor more than five judicious assessors, who shall be freeholders and inhabitants of the said Colonie, qualified to vote at town meetings, chosen at their annual meetings, and collected by the collectors of the said corporation in like manner as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees : *Provided nevertheless*, That no tax shall be levied, or monies raised, assessed or collected, for erecting such public buildings, or making any other necessary repairs or improvements, or purchase or sale of any real estate, and no public buildings erected or disposed of without the consent of the freeholders and inhabitants and legal voters of the said Colonie, or the major part of them, at such meeting duly notified.

III. *And be it further enacted*, That it shall and may be lawful for the trustees of the said corporation, or the major part of them, by this act to be chosen, and for their successors in office for ever, from and after the first Monday in May next, to make, ordain, constitute and publish such bye-laws, rules and regulations, as they from time to time shall deem meet and proper, and such in particular as are relative to public markets, butcher stalls within the said Colonie ; relative to slaughter houses and nuisances generally ; relative to streets, alleys and highways in the said Colonie, and draining, filling up, paving, gravelling, keeping in order and improving the same ; relative to preventing persons from driving horses in carriages or otherwise, faster than on a moderate trot within the limits of the said Colonie ; relative to the number of inns or taverns, and retailers of spiritous liquors, to be licensed in the said Colonie ; relative to the rate or price of bread ; and to the inspection of weights and measures in the said Colonie ; relative to the cleaning of chimneys, stove-pipes, ash houses, and guarding against accidents by fire generally ; relative to restraining geese, swine or cattle of any kind, and for any strays taken up within the said Colonie ; relative to compel house keepers to furnish themselves with a sufficient number of fire buckets within the said Colonie, and relative to any thing whatsoever that may concern the public and good government of the said Colonie : *Provided always*, That such bye-laws be not contrary to or inconsistent with the laws and statutes of this state or of the United States.

IV. *And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such bye-law for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as they may think proper, the same not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace or court having cognizance thereof, with costs of suit, by and in the name of the trustees to and for the use of the said corporation.

V. *And be it further enacted,* That the freeholders and inhabitants of the said Colonie, qualified to vote as aforesaid at their annual meetings hereafter to be held for choosing trustees, or at any other meeting duly notified by the trustees, shall and they are hereby authorized to choose not less than three nor more than five freeholders as assessors, one treasurer, one collector, being also freeholders, and as many fire wardens as the trustees or the major part of them may order and direct; and that at every such election the person or persons having the greatest number of votes for such offices respectively, shall be deemed to be duly chosen; and in case of a vacancy happening by death or otherwise, of any of the assessors, the treasurer, collector or fire wardens, it shall be the duty of the trustees or the major part of them, within fifteen days thereafter, to appoint others in their stead, and when so appointed to be vested with the same powers, and subject to the same penalties and restrictions, as if elected by the freeholders and inhabitants of said Colonie, as above mentioned.

VI. *And be it further enacted,* That the said treasurer, collector, assessors and fire wardens, shall, within ten days after they are elected, and before they enter on the duties of their offices, respectively take and subscribe an oath or affirmation, before any justice of the peace in the said Colonie, or county aforesaid, for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient.

VII. *And be it further enacted,* That if any person qualified as aforesaid, be hereafter elected or appointed a trustee, or to the office of assessor or fire warden, and having notice of said election or appointment, shall refuse, deny, delay or neglect to take upon him or them to execute such trust or office, to which he or they shall be elected, then, and as often as it shall happen, it shall and may be lawful for the trustees or the major part of them, to assess and impose upon every such person or persons so neglecting, delaying or refusing, such reasonable fine or fines as the said trustees or the major part of them may think fit, so as such fine for each offence, refusal, denial, delay or neglect, shall not exceed the sum of twenty-five dollars, to be paid to the said trustees for the time being, when thereunto required, to be recovered in an action of debt in the name of the said trustees, in any court within this state having cognizance thereof.

VIII. *And be it further enacted,* That for the good order and government of the said Colonie, that the trustees, within twenty days after their being elected, in every year hereafter, or a major part of them, shall meet at some convenient place in the said Colonie, and choose and appoint one of their body as president of their board of trustees, whose duty it shall be when present to preside at the meetings of trustees, and to order extraordinary meetings whenever he may find it for the interest of the said Colonie so to do, and all other acts and things that may be thought proper for him to do by the major part of the trustees; and in case of death or otherwise of the president, then his place to be

- supplied in the manner hereafter to be provided by the bye-laws of the said board of trustees ; and the said trustees shall appoint a clerk, who shall be allowed for his services, what a majority of the said trustees may judge reasonable and right, and the said clerk shall be subject to the fines and restrictions as other officers chosen or appointed by virtue of this act.
- 17 IX. *And be it further enacted*, That the collector shall within such time as shall be provided for by the bye-laws of the said trustees, next after the receipt of his warrant for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer ; and all monies which may at any time be in the hands of the treasurer, shall be liable to be drawn out by warrant under the hands and seals of the trustees or the major part of them, and applied and disposed of as shall have been directed by the freeholders and inhabitants of the said Colonie.
- 19 X. *And be it further enacted*, That the said trustees shall keep a just account of their necessary expenses and disbursements, and on producing the same to the treasurer shall be entitled to receive the amount thereof out of any monies in the treasury ; and that the treasurer, collector and assessors shall be paid for their services such sum as the trustees, or a majority of them, by a bye-law of the said trustees, shall provide : *Provided always*,
- 21 XI. *And be it further enacted*, That any monies to be raised for paving any street or streets, or gravelling or paving any side walks, shall be assessed, levied and collected in a just and equitable manner, of and from the owners or occupants of all houses and lots adjoining such street or streets so to be paved, in proportion, as nearly as may be, to the advantages which each shall be deemed to acquire thereby, any thing in this act to the contrary notwithstanding.
- 22 XII. *And be it further enacted*, That the said trustees, or the major part of them, shall have the power of regulating and organizing their fire company, and to displace all or any of the firemen when and as often as they, or the major part of them, shall think fit, and appoint others in their stead, and to make such rules for the government of such firemen as to them shall appear necessary and proper, and also to compel them to do their duty as firemen ; and the firemen appointed or to be appointed by the said trustees, shall be exempted from serving as jurymen, or in the militia, except in cases of actual invasion or insurrection.
- 24 XIII. *And be it further enacted*, That the trustees to be elected by virtue of this act shall continue in office, and be authorized and empowered to execute and perform all and singular the powers and duties in this act contained, belonging to their office of trustees as aforesaid, until the first Monday in May next following after their election of trustees as aforesaid, or until others are chosen pursuant to this act, and have taken and subscribed the oath or affirmation of the office of trustees.

See Diseases—
Societies—
Waters.

City of Albany.

C H A P. XI.

CONTENTS.

6. Chamberlain, to publish a statement of receipts and expenditures.
1. Common Council, to order the raising a sum of money.
- 2, 5. Monies, how and by whom to be applied.
3. ----- By whom to be assessed and collected.
4. ----- To be paid into the hands of the Chamberlain.

An ACT authorizing the Mayor, Aldermen and Commonalty of the City of Albany, to raise a Sum by Tax, for defraying the Expense of Lighting the Lamps, and for the Support of a Night Watch in the said City.

Passed February 28th, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the said mayor, aldermen and commonalty, in common council convened, as soon as conveniently may be after the passing this act, to order the raising a sum not exceeding five thousand dollars, by a tax on the estates real and personal of the freeholders and inhabitants within the said city, residing within half a mile westward of Hudson's river, to be applied to the payment of so many watchmen as the said mayor, aldermen and commonalty have employed or shall think necessary to employ for guarding the said city, for defraying the expence of lighting the lamps that now are or may be erected within the said city; which said sum shall be rated and assessed by the assessors of the said city, for the time being, and levied and collected in the manner directed by the act, entitled "An act for the assessment and collection of taxes," passed the eighth day of April, one thousand eight hundred and one.

II. *And be it further enacted*, That the said tax shall be paid into the hands of the chamberlain of the said city, to be applied and disposed of from time to time in such manner, for the purposes herein before mentioned, as the said mayor, aldermen and commonalty of the said city, in common council convened, shall direct and appoint; and that the chamberlain of the said city, for the time being, shall publish, as soon as conveniently may be, a state of all monies received and expended by virtue of this act in one or more of the public newspapers printed in the city of Albany.

See Courts—
Auction—
Diligence—
Societies.

City of New-York.

C H A P. LXII.

CONTENTS.

34. Act relative to election of ch. officers, except last sect. repealed.
2. Charter Officers, when to be sworn into office---32. Duration of.
31. ----- May be appointed during the session of the legislature.

21. Clerk of the city, to record the certificates of the inspectors.
8. Clerks of election, how appointed...9. Oath...10. Compensation.
33. Collectors, to give bond with sureties.
1. Election, when to be held---to be by ballot---15. How conducted.
3. ----- Places for holding, how and when fixed.
11. ----- Poll of, how opened, adjourned and closed.
23. ----- Special to be ordered in case of vacancy in office.
- 12, 14. Electors, their qualifications---17. If challenged to take an oath---13. Not to vote out of their wards---29. Exempt from civil process during election.
4. Inspectors of elections, how appointed---5. Vacancy how filled.
6. ----- In what manner to give notice of election.
20. ----- When and how to canvass votes, and certify election.
25. ----- To recover double costs when wrongfully prosecuted.
30. Mayor, when and before whom to qualify into office.
28. Militia, not to be called out during the election.
7. Oaths, Inspectors to take...17, 19. To whom to administer.
27. Penalty, for bribery or corrupt conduct.
28. ----- For calling out the militia during the election.
18. ----- On Inspectors, for admitting improper votes...24, 26. And for wilful and corrupt conduct.
2. Persons guilty of disorderly conduct, Inspectors may imprison.
16. Poll Lists, how kept.

An ACT relative to the Election of Charter Officers in the City of New-York.

Passed April 5th, 1804.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the anniversary election for charter officers to be chosen in and for the city of New-York, shall commence on the third Tuesday of November in every year; and that all such elections shall be by ballot, and may be continued by adjournment from day to day, for two days
- 2 successively, including the first; and that all officers so chosen shall be sworn into and commence the duties of their respective offices on the first Monday of December thereafter.
- 3 **II.** And be it further enacted, That the mayor, aldermen and commonalty of the said city, shall, on such day in the month of November in every year, as to them shall seem meet, at least eight days before the annual day of election above established, fix upon a proper place in each of the wards of the said city,
- 4 where such election shall be held, and shall nominate and appoint three fit and discreet persons residents and electors thereof, inspectors of the said election: And further, that in case any one
- 5 or more of the said inspectors shall die, remove out of the said city, refuse to serve, or be rendered incapable of attending any of the said elections before or on the day on which the same is to be held, that it shall be lawful for the mayor, aldermen and commonalty in every such case, and they are hereby required to appoint another such person or persons in the room of the person or persons before appointed; and in case the said mayor, aldermen and commonalty shall neglect or refuse to make such appointment, it shall be lawful for the mayor of the said city, and

he is hereby enjoined to appoint such other inspector or inspectors.

III. *And be it further enacted,* That the inspectors of each ward, whenever an election is to be held therein, shall, by writing under their hands, to be fixed up in at least five of the most public places in such ward, give six days notice of the time and place when and where the said election is to be held; and at the time and place of opening such election, the said inspectors shall publicly administer to each other, and severally take, the following oath or affirmation: "I do solemnly and sincerely declare and swear (or affirm) in the presence of Almighty God, that I will in all things honestly, faithfully and impartially, and according to the best of my knowledge and abilities, execute the office of inspector of this election; and that I will faithfully and impartially canvass and estimate the ballots taken at the said election, and certify a true and just statement of the same, according to my best understanding; and if I shall discover any other person or persons, who shall attend with me for the purpose aforesaid, conduct himself or themselves partially, unduly or corruptly in the premises, that I will divulge or discover the same, to the end, that the persons so offending may be brought to justice." And further, that in each ward the inspectors shall appoint one competent clerk of such election, who shall keep a poll list of the same under the direction of the inspectors, and shall take the following oath, to be administered by the said inspectors: "I do solemnly and sincerely declare and swear, that I will faithfully, truly, honestly and impartially keep the poll list at this election, and in all things according to the best of my knowledge and abilities, will do and perform my duty as a clerk thereof." And the said clerk shall be allowed for his services at the rate of two dollars per day, and the said inspectors shall preside at said election, and conduct and direct the same according to the regulations of this act, and be the returning officers thereof, in manner herein after directed; and the inspectors and clerk being sworn as aforesaid, the said inspectors shall cause proclamation to be made three times as follows, viz: "Hear ye! hear ye! hear ye! the poll of this election is opened, and all manner of persons attending the same are strictly charged and commanded, by the authority and in the name of the people of this state, to keep the peace thereof during their attendance at this election, upon pain of imprisonment;" which proclamation shall be repeated at every opening of the poll, after an adjournment thereof, and proclamation of every such adjournment and closing thereof, shall also in like manner be made: *Provided always,* That the proclamation by which the same shall be closed, shall be preceded, three hours before, by a proclamation notifying the same will be closed, and the poll of every such election shall be open in the day time only between the rising and sitting of the sun, and shall be opened at or before ten o'clock in the morning of every day on which the said election shall be held.

IV. *And be it further enacted,* That all persons who are quali- 12

fied by the charter of the said city, to vote for charter officers, and every male citizen of this state, or of any of the United States, of the age of twenty-one years and upwards, who shall have resided in the said city for the space of six months preceding said election, and shall during that time have rented a tenement of the yearly value of twenty-five dollars, and have paid any taxes within the said city, and is not disqualified by law, shall vote at such election for charter officers, and shall be entitled to all the rights and privileges of a freeman of the said city: *Provided always,*

- 13 V. *And it is hereby further enacted,* That no person shall vote at any such election except in the ward in which he shall actually reside.
- 14 VI. *And be it further enacted,* That every mortgagor or mortgagee, when in possession of the mortgaged premises, and not otherwise, shall be deemed a freeholder within the meaning of this act; and that no person holding lands, tenements or hereditaments in trust for any body politic or corporate, or for any pious use or purpose, shall thereby acquire or possess a right to vote.
- 15 VII. *And be it further enacted,* That the mode of conducting every such election shall be as follows: Every person who shall be qualified to vote at such election for charter officers by virtue of this act, and shall offer himself to vote, shall, at such election, openly deliver his ballot to one of the inspectors, which ballot shall be a paper ticket, containing the name of a person for alderman, and the name of a person for assistant, of the said ward, and the name of such other officer or officers as shall be to be chosen in the ward in which the elector shall reside, or such and so many of them respectively as he shall think proper to vote for, severally written on the same paper ticket, designating who is voted for as alderman and who for assistant, and the like for all the officers to be chosen at such election, and for whom the said elector shall think proper to vote; and the said paper ticket shall be so folded or closed as to conceal the writing thereon;
- 16 and on receipt of every such ballot, the inspector shall cause the name of the elector to be entered in the poll list by the clerk, and shall cause the ballot, without suffering the same to be inspected, to be put into a box to be provided for the purpose, with a sufficient lock thereto, which box shall be locked, and the key thereof kept during the election by any one of the inspectors selected by a majority of them, and a small hole shall be made in the lid or cover of the box sufficient only to receive such ballot, and through which all ballots shall be put into the box, and which box shall be opened at the times herein after mentioned: And further, that on every adjournment of the poll, the poll list shall be examined by the inspectors, and every mistake shall be corrected according to their judgment, whereupon the box shall be opened and the poll list put into it and locked up therein, and the key delivered to such one of the inspectors as the majority shall appoint, and the seal of one of them shall be put on the said box so as to cover the hole in the lid thereof, and the box shall

then be delivered to such other of the inspectors attending such election as a majority of them shall direct, who shall carefully keep the same, and shall, without suffering the same to be opened, or the said seal broken or removed, deliver the same box in at the election table at the next opening of the poll, in the presence of all the spectators attending such election, when and where the seal shall be broken, and the box opened, and the poll list taken out, and the box again locked, in order to proceed in the said election, which course shall be observed and pursued until the poll be finally closed.

VIII. *And be it further enacted*, That whenever any person 17 shall present himself to give his vote or ballot at any such election, as qualified by the charter of the said city and this law, to vote for charter officers, and either of the inspectors shall suspect, or any other elector in such ward shall challenge him to be unqualified for the purpose, the inspectors shall tender and administer to him the following oath or affirmation: "I do solemnly and sincerely swear, or affirm, that I am a freeholder, and that I hold my estate by descent or devise, (if such shall be the case, and if he shall not so hold, then) and that I have been so for one month next preceding this election, and possessed in my own right, or in my wife's right, (as the case may be,) of a freehold in the city of New-York, and that I do not hold the same in trust for any body politic or corporate, or for any pious or religious use whatsoever, and that I have not procured the said freehold under any obligation or promise to convey the same to any other person after this election, or (as the case may be) that I am and have been for three months last past, a freeman of the said city, and do actually reside in the said ward in which I now offer to vote, or (as the case may be) that I have for six months next and immediately preceding this election, rented a tenement of the yearly value of twenty-five dollars, within the said city, and have been rated and actually have paid taxes within the same, and that I am now an actual resident in the ward in which I now offer to vote, and that I have not been polled before at this election:" And in case any elector shall refuse to take the oath so tendered to him, he shall lose his vote at such election; and if 18 at any such election an inspector shall receive the vote of any elector who, being tendered the said oath, shall refuse to take the same, such inspector shall, for each offence, forfeit the sum of twenty-five dollars to any person who will sue for the same, to be recovered with costs: And further the said inspectors are hereby 19 required to administer the said oath to any person who shall voluntarily offer to take the same.

IX. *And be it further enacted*, That after finally closing the 20 poll of any such election the inspectors of the wards in which such election shall be held, shall proceed without delay publicly to open the boxes containing the said ballots, and shall first count the said ballots unopened, and if the number of the ballots in the said box shall exceed the number of electors contained in the poll list, the said inspectors shall draw out and destroy unopened so many of the said ballots as shall amount to the excess, and the

- said inspectors shall then proceed to canvass and estimate the said ballots, and if two or more ballots are found folded or rolled up together, they shall not be estimated; and the said inspectors shall complete the said canvass on the day subsequent to the closing of the poll or sooner, and thereupon shall set down in writing the names of the several candidates for the respective offices with the number of votes for each, and shall thereupon certify and declare who have the majority of votes for each respective office, and shall subscribe their names thereto, and by one of them, to be appointed for that purpose by a majority of them, shall immediately deliver the said certificate (the said inspectors keeping a duplicate thereof) to the clerk of the city or his deputy,
- 21 who shall record the same in a book to be kept for that purpose.
- 22 X. *And be it further enacted*, That if any person shall be guilty of any disorderly conduct at any such election, or during the time of the canvass and estimate aforesaid, the major part of the inspectors of such election are hereby authorized and required to commit the offender to the gaol of the said city, there to remain during the pleasure of the said inspectors: *Provided*, That such imprisonment shall in no case exceed six hours after the canvass of such election shall be finished, and all sheriffs, under sheriffs, constables and gaolers, are hereby strictly charged and required to aid and obey the inspectors herein.
- 23 XI. *And be it further enacted*, That if any of the aldermen or other officers of the said city, chosen as aforesaid, shall refuse to serve, die or remove out of the said city before the expiration of the time for which he was chosen to serve in any such office, or shall not be legally qualified to serve in such office, then and in every such case, such office shall be deemed to be vacant, and the mayor, aldermen and commonalty in common council convened, shall order an election to be held to fill every such vacancy, which shall be held, regulated and conducted in the same manner as is prescribed in this act, for the anniversary election of charter officers.
- 24 XII. *And be it further enacted*, That if any of the said inspectors shall be guilty of any wilful neglect of the duties required of them by this act, or of any partial or corrupt conduct in the execution of the same, and be thereof convicted, every of them so offending and convicted shall forfeit and pay for every such offence, the sum of five hundred dollars, to be recovered by action of debt, or by information, in any court of record; the one moiety thereof to the use of any person who shall prosecute for the same, and the other moiety thereof to the use of the mayor, aldermen and commonalty of the said city; and if the prosecutor in any such suit shall prevail, he shall likewise recover his costs of
- 25 suit against the person convicted; but if the person so proceeded against shall be acquitted, he shall recover double costs against the prosecutor, and no process shall issue to bring in the party accused until bond be filed in the office of the clerk of the court out of which the process shall issue, in the penalty of two hundred and fifty dollars, with two sufficient freeholders as sureties,

such as the court shall approve, to secure the defendant double costs, to become due on a discontinuance, withdrawing of the suit, or an acquittal, or neglect to bring the same to trial within five terms after the appearance of the defendant to answer the same : And further, that every person so convicted shall also suffer the 26 same pains and penalties as in cases of wilful and corrupt perjury, and shall, from and after such conviction, be utterly disqualified to hold or enjoy any place or office in this state.

XIII. *And be it further enacted*, That whoever shall, by bribery, menace, or other corrupt means or device whatsoever, either directly or indirectly attempt to influence any elector of this city in giving his vote or ballot, or deter him from giving the same at any election within said city, by virtue of this act, and shall thereof be convicted, such person so offending and convicted, shall forfeit and pay for every such offence five hundred dollars, to be sued for and recovered by any person, and in the manner and under the restrictions above prescribed in actions to be brought for neglect of duty or corrupt conduct ; one moiety of which penalty shall be recovered to the use of the person prosecuting for the same, and the other moiety thereof to the use of the mayor, aldermen and commonalty of the said city, and on such conviction the person convicted shall for ever thereafter be utterly disqualified to hold, exercise or enjoy any office or place of trust or profit within this state.

XIV. *And be it further enacted*, That no officer or other per- 28 son shall call out or order any of the militia of the said city to appear or exercise on any day during any election to be held by virtue of this act, except in cases of invasion or insurrection, on pain of forfeiting the sum of one hundred dollars for every such offence, to be recovered by any person who will sue for the same with costs ; the one moiety of such penalty to his own use, and the other moiety thereof to the use of the mayor, aldermen and commonalty of the said city.

XV. *And be it further enacted*, That it shall not be lawful for 29 any officer or minister of justice to serve any civil process in the said city, on any person entitled to vote at any election to be held by virtue of this act, on any day during such election.

XVI. *And be it further enacted*, That it shall be lawful for eve- 30 ry person, hereafter to be appointed mayor of the said city, at any time within twenty days after such appointment, to take the oaths prescribed by the charter of the said city to be taken by such mayor, before such person or persons as may be appointed by commission under the great seal of this state in the nature of a *dedimus potestatem* to administer the oaths required to be taken by persons holding offices under this state in the said city, instead of taking the oaths in the presence of three or more aldermen of the said city.

XVII. *And be it further enacted*, That it shall be lawful for the 31 person administering the government of this state, by and with the advice and consent of the council of appointments, yearly hereafter to appoint the several charter officers, who are to be annually appointed, at any time during the session of the legisla-

- 32 ture in every year; and every officer so appointed shall hold his office for one year from the time of his appointment, and until another shall be appointed and sworn in his stead.
- 33 XVIII. *And be it further enacted*, That the collector of each ward shall, before he enters upon the execution of the duties of his office give bond to the mayor, aldermen and commonalty of the said city, with such surety or sureties, and in such penalty as the chamberlain or treasurer of the said city shall deem sufficient, conditioned for the true and faithful performance of the office of collector, and in case of his neglect or refusal to do, his office shall be considered as vacant, and the common council shall order a new election.
- 34 XIX. *And be it further enacted*, That the act, entitled an "An act relative to the election of charter officers, and relative to weigh masters in the city of New-York," passed the 7th day of April, 1801, (except the last section thereof) shall be and the same is hereby repealed.

C H A P. LXIII.

C O N T E N T S.

7. Assessment, how made.
 9. Collectors, their fees prescribed.
 1. Mayor, Recorder, &c. to order the raising of monies by tax.
 2, 5. Monies, when raised, to what purposes to be applied.
 1, 4. Tax, monies to be raised by...8. How collected and paid.
 3, 6. ----- Former deficiencies of, on whom to be assessed.

An ACT to enable the Corporation of the City of New-York to raise Monies by Tax.

Passed April 6th, 1804.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and hereby are empowered, as soon as conveniently may be after the first day of May next, to order and cause to be raised by a tax on the estates real and personal of the freeholders and inhabitants of and situate within the said city, and to be collected, a sum not exceeding forty-eight thousand dollars, to be applied to the support and maintenance of the poor of the said city and county, the support and repairs of the bridewell of the said city, the support and maintenance of criminal persons, the repairing and taking care of other public buildings in the said city, belonging to or under the custody and care of the mayor, aldermen and commonalty of the city of New-York; the making, regulating, repairing and improving the public streets and roads in the said city and county; the defraying other contingent expenses arising within and properly chargeable to the said city and county, and for defraying the expenses which the mayor, aldermen and commonalty

of the city of New-York may sustain or be put to in exercising the powers vested in them by the act passed the second day of April, one thousand eight hundred and three, entitled "An act to invest the mayor, aldermen and commonalty of the city of New-York with adequate power in relation to certain objects of importance to the police and health of the said city, and for supplying the deficiencies of former taxes upon any and every of the wards of the said city, owing to the insolvency or inability of the collectors of the said wards, any or either of them, or others, and fees of collection not heretofore provided for, such deficiencies, however, to be assessed on the estates real and personal of the freeholders and inhabitants of and situate within the said wards respectively where they shall happen as aforesaid: And also a further sum, not exceeding twenty-seven thousand dollars, by a tax on the estates real and personal of the freeholders and inhabitants of and situate within the said city, to the southward of a line beginning at the North river, at a place called Deklyn's ferry, a little to the northward of the state-prison; thence eastwardly, in front of the new banking houses, to the road commonly called the Sandy-hill road; thence along the said Sandy-hill road, to the northward of Potter's Field and the house of William Neilson, to the Bowery road; thence across the Bowery road to a street commonly called Stuyvesant-street, and through the middle thereof to the East river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint and employ for watching and guarding the said city, to the purchasing of oil, providing lamps and putting up of the same, and repairing, cleansing and lighting those which now are or hereafter may be erected within that part of the said city last described, to the digging, cleansing, making and repairing public wells and pumps in the said city, and to defray the other contingent expenses arising in and properly chargeable to that part of the said city, to the southward of the line aforesaid, as the said mayor, aldermen and commonalty in common council convened, may from time to time direct, and for supplying deficiencies of former taxes upon the same part of the said city last described, owing to insolvencies and fees of collection not heretofore provided for, such deficiencies, however, to be assessed on the estates real and personal of the freeholders and inhabitants of and situate within those parts of the said city to the southward of the line aforesaid.

II. *And be it further enacted*, That the said several sums of money shall be assessed in the manner directed by the act, entitled "An act for the assessment and collection of taxes;" and each person's tax in one ward shall be collected in one payment, and the monies so collected paid into the hands of the treasurer or chamberlain of the said city, at such time after the first day of May next as the said mayor, recorder and aldermen, as the said supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall appoint and direct.

- 9 III. *And be it further enacted*, That it shall be lawful for the collectors of the first, second and third wards of the said city, to retain in their hands three cents on each dollar by them collected : The collectors of the fourth, fifth, sixth, seventh and eighth wards of the said city to retain in their hands four cents on each dollar by them collected ; and the collector of the ninth ward of the said city to retain in his hands five cents on each dollar by him collected, and no more, as a full compensation for their trouble in collecting and paying to the said treasurer or chamberlain the monies which shall be raised by virtue of this act.
-

Town Meetings.

C H A P. LXXXVI.

C O N T E N T S.

Time of holding Annual Town Meetings in the Counties of Onondaga, Cayuga, Ontario and Genesee, altered.

An ACT to amend the Act, entitled "An Act concerning the Duties and Privileges of Towns."

Passed April the 9th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first Tuesday in April next, the annual town meetings to be held in the several towns of the counties of Onondaga, Cayuga, Ontario and Genesee, shall be held on the first Tuesday in April in every year ; and that all town officers chosen at the town meetings held on the first Tuesday of March, one thousand eight hundred and four, shall hold their respective offices until the first Tuesday in April, one thousand eight hundred and five, and until others are elected in their stead ; and that all business relating to the said towns which would be otherwise transacted on the last Tuesday in February, shall be transacted on the last Tuesday in March in every year thereafter.

Courts.

C H A P. III.

An ACT relative to the Time for holding the Circuit Courts, and Courts of Oyer and Terminer, in and for the County of Albany.

Passed February 11th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the circuit court and court of oyer and terminer, appointed to be held in and for the county of Albany, on the first Tuesday in March next, shall be held on the second Tuesday in April thereafter.

II. *And be it further enacted*, That hereafter there shall be held in the said county two circuit courts in each year at least, one of which shall commence on the second Tuesday of April, and the other on the third Tuesday of October: *Provided nevertheless*, That the judges of the supreme court shall have power, as occasion may require, during any term of the said court, to alter the times as aforesaid limited and appointed for such circuits, to any other days in the months of April and October, so that the same be done two terms at least previous to the circuit intended to be altered.

C H A P. XXV.

An ACT to alter the Time of holding the February Term of the Courts of Common Pleas and General Sessions of the Peace in and for the County of Delaware.

Passed March 20th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act the February term of the courts of common pleas and general sessions of the peace, in and for the county of Delaware, shall be held on the third Tuesday in January in every year, at the usual place for holding the same, and shall be called the January term of said court.

C H A P. XXVII.

CONTENTS.

44. Adjournment, defendant when to give security in case of.
45. ----- When to be allowed, and how long.
49. ----- For what cause to be allowed for three months.
27. Attornies, may sue and be sued...28. When privileged from arrest.
78. Certiorari, proceedings in case of.
21. Clerks, in what case authorised to adjourn the court.
23. ----- To keep a docket..41. To take security..54. Further duty.
31. Constables, how to serve process and make return.
39. ----- Directed to serve process delivered to them.
58. ----- Form of their oath when attending a jury.
75. ----- Neglecting seasonably to levy execution, made liable, &c.
76. ----- May be removed by the court for mal-conduct.
90. Corporation of N. York, to pay justices a sum for building c. house.
91. Costs, extraordinary, in what case to be paid by plaintiff.
6. Courts, Justices authorised to hold two...7. Where to be held.
8. ----- Their powers in relation to actions of debt, &c...9. To actions upon statute...10. To actions between seamen.
11. ----- In what cases prohibited from acting...12. May meet daily.
17. ----- In case of an equal division, who to give the casting vote.
20. ----- When not to give judgment or make any rule.
29. ----- Where the parties agree, may try cause without process.
32. ----- How to proceed, when deft. does not appear on summons.
33. ----- If defendant be summoned by copy, how to proceed.
42. .. How to proceed on return of summons, &c. and give judgt.
48. ----- How to proceed when a person is taken by warrant....
48. Or defendant shall justly give plea of title.

60. Courts, to give judgment on verdict and award execution.
61. ----- Not to allow ex parte evidence, &c. nor grant new trials.
92. ----- Registers of, deemed legal evidence of the proceedings.
25. Debtors, joint, how proceeded against and debts recovered.
46. Defendants, to bring their accounts against demands of plaintiff....
47. Refusing so to do, in what case barred recovery.
72. Execution when to issue...68. When only against goods & chattels.
69. ----- Goods taken by, how advertised and sold.
70. ----- May issue against the body, or against goods & chattels.
71. ----- Persons taken by, how to be dealt with.
73. ----- Amount of judgment and costs to be mentioned in.
26. Executors and Administrators may sue and be sued.
- 80, 87. Fees, Clerks to receive and account with justices.
- 81, 88. ----- To the Constables and Marshals.
- 82, 89. ----- To jurors...83, 89. To witnesses...84, 89. To gaoler.
- 79, 85, 86. ... Allowed to the justices.
64. Fines, how collected...65. How disposed of.
74. Immorality, courts how to proceed under the act for suppressing.
67. Imprisonment, who may and who may not be imprisoned on execu.
74. Inns and Taverns, courts how to proceed under the act regulating.
77. Judgment not to be removed by habeas corpus, writ of error, or false judgment...78. Nor by certiorari, unless under certain restrictions.
62. Jurors refusing to attend and serve when summoned may be fined.
52. Jury, trials to be by, when required by either of the parties.
53. ----- Number to be summoned and to try causes.
55. ----- Not more than one to be summoned to attend any one court.
56. ----- Form of their oath.
59. ----- When agreed to their verdict, to deliver it to the court.
1. Justices of the Peace, how appointed, their number, &c.
96. ----- For the 9th ward, how appointed, and their powers.
2. ----- Their powers and privileges in keeping the peace...3. In committing offenders and taking recognizances.
4. ----- To deliver recognizances, &c. to the court where offender is bound to appear.
5. ----- May take affidavits to be read in the supreme court.
13. ----- In what rotation to hold courts.
14. ----- May attend any of the courts that they think proper.
15. ----- In case of death or inability, who next to serve.
16. ----- Authorized to alter the rotation...18. To appoint and remove clerks.
19. ----- Directed to cause seals to be made for the courts.
22. ----- A single one authorized to give judgt. on confession of debt.
95. ----- In case of public calamity, may adjourn the court to meet at another place.
97. ----- Except those now appointed, prohibited from holding a certain court.
- Marshals---See Constables.
66. Nonsuit, in case of, judgment to be given against plaintiff.
24. Process, how obtained, how tested, &c.
25. ----- May issue against joint debtors as against individuals, &c.
30. ----- When to be by summons...31. How to be served.
34. ----- Form of that of summons.
35. ----- Who authorized to serve and where.
36. ----- Summons not to issue against person without the jurisdiction of the court.
40. ----- In what case may be served by other than an officer.
51. Security, constable to attend defendants while procuring.

93. Sessions of the peace to be held by the mayor, aldermen, &c.
 94. Supreme and Mayor's Courts, persons prosecuting in, in what case to pay costs.
 37. Warrants, in what case to issue---38. Form thereof.
 41. ----- For what causes persons taken by, to be imprisoned.
 43. ----- When a person is taken by, court how to proceed.
 50. ----- Persons taken to court on, in whose custody considered.
 68. Witnesses, refusing to attend when subpœnaed, may be fined.

An ACT for establishing Courts of Justices of the Peace in and for the City of New-York.

Passed March 24th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the person administering the government of this state for the time being, by and with advice and consent of the council of appointment, from time to time to appoint and commission, not exceeding eight justices of the peace in and for the city of New-York, and that the said justices shall hold the said offices during the pleasure of the said council, and that the said commissions shall be issued once at least in every three years.

II. *And be it further enacted*, That the said justices shall jointly and severally have, exercise and enjoy all the powers and privileges of justices of the peace, as to keeping of the peace in the said city and county, except the right and power of holding courts of sessions of the peace, of sitting as judges in any court of sessions of the peace, to be held in and for the city and county of New-York, by the mayor, recorder and aldermen of the said city, or any three or more of them, of whom the mayor or recorder always to be one; and each of the said justices shall have the like power to commit offenders, and to take recognizance for their appearance, and for their keeping the peace, and for their good behavior, and to take recognizance for the appearance of witnesses against offenders, as any other justices of the peace in any other county of this state, hath by law; and all recognizances taken by the said justices, any or either of them, for the appearance of any person in any courts, shall, together with the examinations and evidence taken before such justice or justices, be delivered by him or them to the court in which the person for whose appearance such recognizance is taken, is to appear.

III. *And be it further enacted*, That each of the said justices, shall have power to take affidavits and depositions to be read and used in the supreme court of judicature of this state, according to the rules and practice of the said court, which shall have the same force and effect as if taken before any judge of the said court, or any commissioner empowered by law to take such affidavit, and shall be entitled to such fees therefor, as are allowed by law.

IV. *And be it further enacted*, That the said justices from and after the thirtieth day of April next, shall have power and authority and are hereby required to hold two courts in the said city of New-York, one of which shall be held at the city-hall of the

8 said city, and the other at such place as the said justices shall appoint, not exceeding one quarter of a mile from the present
9 new watch-house in the said city ; and in the said courts to hear, try and determine according to law and equity, all actions of debt, detinue, account, covenant, trespass and trespass on the case, wherein the sum or balance due, or thing demanded, shall
10 not exceed the value of fifty dollars : And also all actions and informations upon any statute of this state, and upon the charter or any bye-law of the corporation of the said city, made or to be made, where the penalty or forfeiture shall not exceed fifty dollars : And also, all actions to be brought by any seaman or mariner against the owner or owners, master or commander of any ship or vessel, in any merchant service, for or by reason of the non-performance or breach of any agreement or contract made by such seaman or mariner with the said owner, master or commander for services or compensation for services on board of any such ship or vessel, or for wages or compensation for services on board of any such ship or vessel, during any voyage performed or in part performed, by such ship or vessel, notwithstanding such wages, compensation or damages, shall exceed fifty dollars : And the said courts respectively, shall also have cognizance of and power to hear and determine all actions to be brought by any owner or owners, master or commander of any ship or vessel in the merchant service, against any seaman or mariner, for or by reason of the non-performance of any agreement or contract, made by such seaman or mariner with such owner or owners, master or commander of any such ship or vessel, for services to be performed by him as a seaman or mariner on board such ship or vessel, for any voyage performed, wholly or in part, or intended to be performed, notwithstanding the damages sustained, or sum of money demanded, by reason of the non-performance
10 of such agreement or contract, shall exceed fifty dollars : And also, all actions for assault and battery and false imprisonment, done or committed by any master or commander of any ship or vessel in the merchant service, upon any officer, seaman or mariner, or other person on board of or belonging to such ship or vessel, upon the high seas, or in any foreign port or place where such ship or vessel may then be, of which the ordinary courts of common law of this state now have cognizance : and all actions for assault and battery, and false imprisonment, done or committed by any officer, of any ship or vessel in the merchant service, upon any seaman or mariner, or other person on board of or belonging to such ship or vessel, or by any seaman or mariner or other person on board of or belonging to such ship or vessel, upon the master, commander or other officer thereof, or by one seaman or mariner or other person on board of or belonging to such ship or vessel, upon another seaman or mariner or other person on board of or belonging to such ship or vessel, upon the high seas, or in any foreign port or place where such ship or vessel may then be, of which the ordinary courts of common law of this state now have cognizance, notwithstanding the damages sustained or demanded by reason thereof, shall exceed fifty dollars : And for the purpose of hear-

ing, trying and determining all such actions as are hereby made cognizable before the said courts; such courts are hereby vested with all such power and authority, for the purpose aforesaid, as other courts of record in this state: *Provided always,*

V. *And be it further enacted,* That nothing herein contained 11 shall be construed to give the said courts power to proceed in any of the matters aforesaid, as courts of admiralty or of maritime jurisdiction; nor shall the authority of the said courts extend to any debt or demand for any money or thing won at or by means of any horse race, cock match, or any kind of gaming, play or wager, although the same shall not exceed the value of fifty dollars; nor to any action wherein the people of this state shall be concerned, or where the title of any lands shall or may in any wise come in question,* or to any action of slander, or to any action of assault and battery or false imprisonment, other than those committed on the high seas or in a foreign port, as herein before particularly specified; nor to matters of account where the sum total of the accounts of both parties exceeds in the amount or value thereof the sum of two hundred dollars, and those accounts proved to the satisfaction of the court.

VI. *And be it further enacted,* That the said justices, for the 12 purpose of hearing, trying and determining the several actions and matters herein before made cognizable before them, shall and may, from and after the thirtieth day of April next, hold the said courts every day, except Sunday, the fourth day of July, the twenty-fifth day of November, the twenty-fifth day of December, and the first day of January in every year: And it shall 13 be the duty of the said justices to hold the said courts according to the following rotation, that is to say: the first and second persons named in the said commission shall attend and hold the court to be holden at the city-hall aforesaid, and the third and fourth persons named in the said commission shall attend and hold the other court to be holden by the said justices the first week; the fifth and sixth persons named in the said commission shall hold the court at the city-hall, and the seventh and eighth persons named in the said commission shall hold the other court the second week, and so on until all the justices have served one week in one of the said courts, if they consist of an even number, or otherwise all but one, and then the persons last and first named in the said commission shall hold one of the said courts, and the second and third persons named in the said commission shall hold the other court the next week, and so on in the like rotation thereafter: *Provided always,* That nothing herein contained 14 shall be construed to exclude or debar any of the said justices, although they be not in rotation, from sitting in either of the said courts, but that all and every of them shall and may, when and so often as they shall respectively think fit, sit and give judgment in the same; and in case of the death or inability of any one of 15 the said justices whose duty it may be to attend either of the said courts according to the said rotation at any time, then and in every such case, it shall be the duty of him who is next in rotation to attend the said court in the place of him so deceased or

- 16 unable to attend ; and further, that it shall be lawful for the said justices, if they shall deem it expedient, to alter the rotation herein before prescribed : *Provided always*, That two justices shall attend and hold each of the said courts.
- 17 VII. *And be it further enacted*, That if the justices present shall at any time, in either of the said courts, be equally divided upon any question before them, the senior justice present, that is, he whose name stands first in the commission, shall have the casting vote.
- 18 VIII. *And be it further enacted*, That it shall and may be lawful for the said justices, or the major part of them, by writing under their hands and seals, from time to time as occasion shall require, to appoint a clerk for each of the said courts, and from time to time to remove such clerks or either of them, and to appoint another or others in his or their stead, and to which clerks they shall administer an oath faithfully and honestly to perform and discharge the duties of the said office ; and that it shall be lawful for the said justices, and they are hereby required, to cause seals to be made for the said courts : *Provided however*, That the present seal of the said court shall continue to be the seal of the court which shall be holden at the city-hall until the said justices shall think proper to direct a new one to be made.
- 19 20 IX. *And be it further enacted*, That no judgment shall be given nor any rule or order made in any cause in either of the said courts, to be held before the said justices, nor any conviction had upon any statute or law, unless two of the same justices at the least shall be present, and if only one of them shall attend on any court day, he shall adjourn the said court to the next court day ;
- 21 and if on any court day neither of them shall attend, then the clerk of the same court shall and may adjourn the court to the
- 22 next court day : *Provided nevertheless*, That it shall and may be lawful for any one of the said justices to receive the confession of the defendant or defendants of the action of the plaintiff, and of the debt and damages or sum of money due to the plaintiff, and to give judgment, and issue execution thereupon in like manner as if any two of them were present.
- 23 X. *And be it further enacted*, That the clerks of the said courts respectively, shall cause to be made and entered or registered in proper books to be kept for that purpose, a docket or register of all summonses, warrants, precepts, executions and process to be issued by the said courts, and of the returns to all such summonses, warrants and executions, and also proper entries of all acts, orders, dismissals, decrees, judgments, adjournments, and proceedings of the said courts, and also the substance of the plaintiff's charge or demand, and of the defendant's plea.
- 24 XI. *And be it further enacted*, That all applications for process, for the recovery of any debt or demand by virtue of this act, shall be made to one or either of the said courts, or to the clerk of the same, and not otherwise ; and that all process to be issued out of the said courts shall be tested in the name of the said justices, and be signed by the clerk of the court out of which the same shall be issued, with his name, and with the words "by the court," and sealed with the seal of the said court.

XII. *And be it further enacted,* That every summons or warrant 25
to be issued by virtue of this act, may issue against any joint debtors
in the same manner as against individual debtors; and in case the
same shall be duly served in manner herein after directed upon
either of such joint debtors, such joint debtor on whom the same
shall be so served, shall answer to the action, and the judgment shall
in such case be against the joint debtor or debtors on whom the
same was so served, and against the other joint debtor or debtors
named in such summons or warrant, in the same manner as if
such process had been duly served on all such joint debtors :
Provided however, That no execution shall issue against the body
or goods the sole property of any debtor on whom process was
not served.

XIII. *And be it further enacted,* That it shall and may be law- 26
ful for executors and administrators to sue and be sued in the
said courts; and that all other persons, as well attorneys as others, 27
may sue and be sued, implead and be impleaded, in the said
courts, in any plaint, suit or action cognizable before the said jus-
tices, saving nevertheless the privilege of freedom from arrest of 28
such attorney or other person whose duty it shall be to attend on
any other court in the said city during the sessions of such court.

XIV. *And be it further enacted,* That where any parties shall 29
agree to enter an action before either of the said courts without
any process, the court shall proceed in the same manner as if a
summons or warrant had issued.

XV. *And be it further enacted,* That the first process against all 30
freeholders and inhabitants having families, except as herein after
is excepted, shall be by summons, which shall be served at least 31
six, but not more than twelve days before the time of appearance
of the defendant therein mentioned, by reading the same sum-
mons to each of the defendants, and delivering to him or her a
copy thereof when required, if he or she shall be found, and if
not, by leaving a copy thereof at his or her house or place of abode,
in the presence of one of the family of suitable age and discre-
tion, who shall be informed of the contents thereof, and the con-
stable or officer serving such summons shall, upon the oath of his
office, endorse thereupon the time and manner he executed the
same, and sign his name thereto. And in case the defendant does 32
not appear at the time and place appointed in such summons,
and it shall appear by the return endorsed thereon, that the sum-
mons was duly served upon the person of the defendant in the
manner aforesaid, and no sufficient reason shall appear to the
court why the defendant does not appear at the time appointed,
then the said court shall proceed to hear, try and determine the
cause in the same manner as if the defendant had appeared and
denied the plaintiff's charge or demand by plea; but if such 33
summons was served only by leaving a copy thereof at the house
or place of abode of the defendant as aforesaid, and the defend-
ant does not appear at the time and place appointed in such sum-
mons, and no sufficient reason shall appear to the court why the
defendant does not appear, then the said court shall issue a war-
rant against such defendant unless the plaintiff shall elect to have

a new summons against such defendant, and in all cases where a sufficient reason shall appear to the court why the defendant does not appear at the time and place appointed in the summons, the court shall give the defendant such further time as they shall think reasonable, and at such time so given the court shall and may proceed as aforesaid.

- 34 XVI. *And be it further enacted*, That every summons to be issued out of the said courts shall be in the form following : " The people of the state of New-York, to the constables and marshals of the city of New-York, and to every of them, greeting : We command you to summon A. B. if he shall be found in the said city, to be and appear before our court of the justices of the peace in and for the city of New-York, at on the day of at o'clock in the noon, to answer unto C. D. of a plea of (here insert the nature or cause of action, and the sum demanded) and have you then there this precept. Witness our said justices at the day of in the year of our Lord

By the court. E. F. Clerk."

- 35 XVII. *And be it further enacted*, That it shall and may be lawful for any constable or marshal of the city of New-York (the ninth ward of the said city excepted) to execute process to be issued out of the said courts by virtue of this act, in any part of
- 36 the city, (except as is before excepted) and that no person shall be proceeded against by summons to be issued out of either of the said courts, who shall not reside within the limits of the jurisdiction thereof.
- 37 XVIII. *And be it further enacted*, That if any plaintiff, or his or her attorney, applying for process, shall prove upon oath, to the satisfaction of the court or the clerk thereof, who is hereby authorized and empowered to administer the said oath, that if such process be by summons against any such freeholder or inhabitant having a family, the plaintiff will be in danger of losing his or her debt or demand thereby, or doth really and sincerely believe that such freeholder or inhabitant will depart the city of New-York, or if the plaintiff, being a non-resident of the said city, shall give security to pay the debt or damages, and costs of suit, in case judgment shall be given against him or her, or if the action shall be for any sum or penalty on any statute, or on the said charter or bye-law of the said corporation, that then, and in either of such cases, a warrant may issue immediately.
- 38 XIX. *And be it further enacted*, That the first process in all cases not otherwise provided for, may, if the plaintiff shall so elect, be by warrant, which shall be in the following form : " The people (as in case of a summons) we command you to take A. B. if he shall be found in the said city, and bring him forthwith before our court," (as in case of a summons.)
- 39 XX. *And be it further enacted*, That when any process shall be issued by virtue of this act, the constable, or other proper officer to whom such process shall be directed and delivered, shall proceed agreeably to this act, and execute such process in his own
- 40 proper person, unless the court shall, at the request of the plain-

tiff, judge it expedient to depute some other proper person who will voluntarily undertake to execute the same without fee or reward, but no person shall be so deputed to empanel or summon any jury, or serve an execution.

XXI. *And be it further enacted*, That it shall and may be lawful when any defendant is taken on any warrant issued out of either of the said courts, and the court out of which such warrant issued shall not be then sitting, or if sitting, unable by means of other business, to try the cause immediately, for the constable or marshal, or other officer having such warrant, to bring the defendant before the clerk of such court, who shall thereupon take sufficient security for the appearance of such defendant at the next court day, and in case such defendant shall neglect or refuse to give such security, to the satisfaction of the said clerk, that then it shall and may be lawful for the constable or marshal having such warrant, thereupon to take such defendant to the gaol in the city and county of New-York, and there to deliver him or her to the custody of the keeper of the said gaol, who is hereby required to receive such defendant, and to keep him or her in safe custody in the said gaol until the next court day, when the constable or marshal having such warrant, or some other constable or marshal who may be directed by the court in writing, shall bring such defendant before the said court: *Provided*, That it shall not be lawful for the said keeper to keep such defendant in his custody upon such warrant for a longer time than forty-eight hours.

XXII. *And be it further enacted*, That upon the return of any summons, if the same shall be duly served by reading as aforesaid, or upon the appearance of the defendant pursuant to any summons served by a copy as aforesaid, or upon bringing the defendant into court upon a warrant which shall have been issued in consequence of his neglecting to appear in pursuance of any summons served by copy as aforesaid, or at such other time as the court shall deem meet and convenient, not exceeding six days thereafter, the said court shall proceed to hear and examine the proofs and allegations of the parties, and shall, within four days thereafter, give their judgment thereon in such manner as shall appear to the said court to be agreeable to law and equity, together with costs of suit.

XXIII. *And be it further enacted*, That immediately upon bringing the defendant into court by virtue of a warrant, other than a warrant issued in consequence of the neglect of the defendant to appear when summoned, or a warrant issued by a non-resident, or at such other time as the court shall think reasonable to appoint, not exceeding six days, the court shall proceed to hear and examine the proofs and allegations of the parties, and give judgment as aforesaid; but if, upon bringing in the defendant as aforesaid, an adjournment be made without the consent of the plaintiff, then the defendant, if required by the plaintiff, shall give sufficient security for his or her personal appearance on the day to which such adjournment shall be made, and in default of such appearance, to pay the debt and costs if judgment shall be given

against him or her ; and in default in giving such security, the court shall proceed to trial without an adjournment.

- 45 XXIV. *And be it further enacted*, That in all cases when a warrant shall issue, if the plaintiff or defendant shall require a longer time than is first appointed by the court to try the said cause, and will, if required, give sufficient security to appear and stand trial on such other day as shall be appointed, and pay the debt, damages and costs in case judgment shall be given against him, her or them, that then the said court shall adjourn the said cause to any time they may deem proper and convenient, not exceeding twelve days : *Provided always*, That where a warrant shall issue in favor of a non-resident, and who shall have given security as herein before mentioned, the said court shall not adjourn the cause for more than four days, unless the parties agree to allow a longer time.
- 46 XXV. *And be it further enacted*, That in all causes to be brought in pursuance of this act, the defendant or defendants, if he, she or they have any account or demand against the plaintiff in such action, shall and may plead and set off the same against the debt or demand of the plaintiff : And if the defendant or defendants in such suit or action shall neglect or refuse to plead and give in evidence his, her or their account or demand, if any he, she or they have against such plaintiff or plaintiffs, then the defendant or defendants so neglecting or refusing to plead and give in evidence his, her or their accounts or demands aforesaid, shall for ever thereafter be precluded from having or maintaining any action or actions against such plaintiff or plaintiffs for the recovery of such account or demand, or any part thereof : *Provided always*, That where the balance due to the defendant exceeds the sum of fifty dollars, that in every such case the defendant shall not be precluded or barred from recovering his account or demand against such plaintiff in any other court of record having cognizance of the same.
- 48 XXVI. *And be it further enacted*, That when in any action of trespass to be brought by virtue of this act, the defendant or defendants shall justify on a plea of title, the defendant or defendants shall commit such plea of justification to writing, and having signed the same in the presence of the court, shall deliver such plea to the court, and the justices presiding shall then counter-sign the same, and deliver it to the plaintiff or plaintiffs : and that it shall and may be lawful to and for such plaintiff or plaintiffs, to commence and prosecute an action for such trespass against such defendant or defendants in the mayor's court of said city, and if such plaintiff or plaintiffs shall recover any damages in such action, the defendant or defendants shall be liable to pay to such plaintiff or plaintiffs double costs : And on every trial to be had for such trespass, the plea signed by such defendant or defendants, shall be conclusive evidence that the defendant or defendants relied on his, her or their title to justify such trespass ; and that the said court shall, before they shall receive such plea, exact from the defendant or defendants, together with one sufficient security, a recognizance in the sum of fifty dollars, con-

ditioned, that if such plaintiff or plaintiffs shall commence a suit before the next mayor's court for the recovery of damages for such trespass, such defendant or defendants shall appear and put in special bail in such court within twenty days after the first day of the then next term of the said court; and that in every case in which such plea shall be tendered, and the defendant or defendants shall not forthwith enter such recognizance, the said court shall proceed in the same manner as if such plea had not been tendered.

XXVII. *And be it further enacted*, That in case the defendant shall make oath that he or she cannot, for want of some material evidence or witness, safely proceed to trial, the court shall in such case postpone the trial, for such reasonable time as will enable the defendant to procure such evidence or witness; *Provided*, such time shall not exceed three months: *And provided also*, That such defendant or defendants before he, she or they shall be entitled to have the trial postponed as aforesaid, shall give security to the said court to appear and answer the said action, and to pay the debt, and damages and costs, in case judgment shall be given against him, her or them. *Provided also*, That in any suit or action to be brought by virtue of this act, if either the plaintiff or defendant shall request an adjournment, he shall not be entitled thereunto unless the party requesting such adjournment, after having seen the account or demand of the adverse party, shall, if required, exhibit his or her account or demand or state the nature thereof, as far forth as may be in his or her power, to the satisfaction of the court, any thing in this act to the contrary notwithstanding.

XXVIII. *And be it further enacted*, That where the defendant in any action brought by virtue of this act, shall be brought into either of the said courts by virtue of a warrant, the said defendant shall be considered and held to be in the custody of the officer who made the arrest, and shall be held on the said warrant until discharged by the court: And if the said defendant, so brought into court as aforesaid, shall be required to give security according to the provisions of this act, the said court shall allow him such time as they shall deem reasonable to procure the same; and the officer in whose custody the said defendant shall be, shall go with such defendant to enable him or her to obtain such security.

XXIX. *And be it further enacted*, That in every action that hereafter be brought by virtue of this act, it shall be lawful for either of the parties to the suit, or the attorney of either of them, after issue joined, and before the court shall proceed to enquire into the merits of the cause, to demand of the court that such action be tried by a jury: And where the damages laid in the declaration shall not exceed twenty-five dollars, the number of persons to be summoned as jurors shall consist of twelve, but no more than six of the said twelve persons shall be sworn to try the said cause; and in all other cases where a jury is demanded, twenty persons shall be summoned as jurors to try the said cause, but no more than twelve of the said twenty persons shall be sworn to try

- 54 the same; and to this end it shall be the duty of each of the clerks of the said courts, at least once in every year after the passing of this act, to procure a list of the names of such persons who shall or may reside in the said city (the ninth ward excepted) as are qualified to serve on juries in this court; and the names of the persons so qualified, who shall or may reside in the first ward of the said city, shall be written on separate slips of paper by the said clerk, and by him put into a box; and upon a jury being demanded as aforesaid, the said clerk shall draw from the said box the names of twelve or twenty persons, as the case may require, neither of whom shall be of kin to either party, nor interested in such suit: And the names of the persons so drawn as aforesaid, with their places of abode and occupations, shall be written on a piece of paper or parchment, and annexed to the venire to be issued in the said cause, which venire and panel shall be directed and delivered to the proper officer; and the persons named in the said panel shall be by him summoned to appear before the said court, at the time and place mentioned in the said venire; and on the return thereof, the clerk of the said court shall cause the names of the persons so empanelled to be written on several and distinct pieces of paper, as nearly of one size as may be, and rolled up separately, and as near as may be in one and the same manner, and put together in a box, or some convenient thing, and delivered to the said court: And on the trial of such cause, the said court, or such indifferent person as they shall appoint for that purpose, shall draw out six or twelve of the said papers, as the case may require, one after another; and if any of the persons whose names shall be so drawn shall not appear, or shall be challenged and set aside, then such further number thereof shall be drawn as shall make up the said number of six or twelve, as the case may require, who do appear (after all legal causes of challenge allowed) who shall be the jury to try the cause: And after all the names of the persons residing in the said first ward shall be drawn as aforesaid, out of the box first above mentioned, then the names of the persons qualified as aforesaid, and who shall or may reside in the second ward, shall in like manner be put in and drawn out; and then those of the third ward, and so on, until the names of all the persons mentioned in the aforesaid list shall be drawn, commencing again with the first ward.
- 55 XXX. *And be it further enacted*, That no more than one jury shall be summoned to attend the same court on any one day; and if there shall be more than one cause to be tried in the same court on that day, the same jurors shall be returned in each cause; and every person qualified to serve as a juror upon trials in the mayor's court of the city of New-York, shall be considered as duly qualified to serve as a juror upon trials in the said courts, before the said justices.
- 56 XXXI. *And be it further enacted*, That the said court shall administer to each of the jurors who shall try the cause, the following oath: "You do swear in the presence of Almighty God, that you will well and truly try the matter in difference between

plaintiff and defendant, and a true verdict will give according to evidence ;" and after the said jury have taken the oath aforesaid, they shall sit together and hear the several proofs and allegations of the parties, which shall be delivered in public in their presence ; and to each of the witnesses on the said trial the said court shall administer the following oath, viz. " You do swear, in the presence of Almighty God, that the evidence you shall give in this matter of difference between plaintiff and defendant, shall be the truth, the whole truth, and nothing but the truth : " And after hearing the proofs and allegations, the jury shall be kept together in some convenient place until they all agree upon a verdict ; and for which purpose a constable or marshal shall be sworn, and to whom the court shall administer the following oath, viz. " You do swear, in the presence of Almighty God, that you will, to the utmost of your ability, keep every person sworn on this inquest together in some private and convenient place, without meat or drink, (water excepted ;) you will not suffer any person to speak to them, nor speak to them yourself, unless by order of the court, unless it be to ask them whether they have agreed on their verdict, until they have agreed on their verdict : " And when the jury have agreed on their verdict, they shall deliver the same to the court, which is hereby required to give judgment thereupon, and to award execution : *Provided*, That no oath of either party, or ex-parte affidavit of any other person, shall be allowed to be given in evidence in any such action, unless the parties agree thereto ; nor shall the said courts, or either of them, have the right or power to award or grant a new trial in any case whatever.

XXXII. *And be it further enacted*, That every person summoned and drawn as a juror in any action which shall or may be brought in either of the said courts, who shall not appear, or appearing shall refuse to serve in any such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause be proved on oath, to the satisfaction of the court, such fine or fines not exceeding ten dollars, as the said court shall think reasonable to impose ; and that every person who shall be subpoenaed as a witness in any action brought as aforesaid, and who shall not appear, or appearing shall refuse to give evidence in such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause shall appear as aforesaid, such fine or fines, not exceeding fifty dollars, as the said court shall think reasonable to impose ; and the said court is hereby authorized and required to issue a warrant to any proper officer, to levy the same on the goods and chattels of the offender, and for the want thereof, to take and convey him or her to the gaol of the city and county of New-York, there to remain until he or she pay such fine, together with the costs attending the same ; and the keeper of such gaol is hereby commanded to keep such offender in safe custody in such gaol until such fine, together with the costs, shall be paid : *Provided always*, That no such fine or fines shall be imposed unless oath shall first have been made before the court by some credible person, that such juror or wit-

nefs so in default hath been lawfully summoned or subpoenaed as
65 aforesaid ; all and every of which said fines shall be delivered
by the said court to the overseers of the poor for the use of the
poor of the said city of New-York.

66 XXXIII. *And be it further enacted*, That if the plaintiff,
other than executors and administrators in any action, shall be
non-suited or discontinue or withdraw his, her or their action,
without the consent of the defendant, then judgment shall be
given against such plaintiff for the costs accrued, and execution
may thereupon issue for the same immediately, or if he or she
shall appear to be indebted to the defendant, then judgment shall
be given against him or her for the debt, or damages and costs,
as the case may require.

67 XXXIV. *And be it further enacted*, That no person having a fam-
ily residing within the state, and not being a freeholder with-
in the said state, shall be imprisoned or committed to gaol upon
any execution to be issued on any judgment given by virtue of
this act, for any sum not exceeding twenty-five dollars, exclu-
sive of costs, except in cases where judgment shall be given for
any penalty incurred under any statute of this state, or the char-
ter or any bye-law of the corporation of the city of New-York.

68 XXXV. *And be it further enacted*, That in all cases where
judgment shall be given by virtue of this act, for any sum not
exceeding twenty-five dollars, exclusive of costs, against any
inhabitant having a family within this state, and no freeholder
therein (except cases where judgment shall be given for any
penalty under any statute of this state, or the charter or any bye-
law of the corporation of the city of New-York) execution shall
be against the goods and chattels of such person only.

69 XXXVI. *And be it further enacted*, That the officer to whom
such execution shall be delivered after taking such goods and
chattels into his custody by virtue of such execution, shall im-
mediately give public notice, by an advertisement signed by him-
self and put up at three public places in the said city of New-
York, of the time and place, when and where they will be ex-
posed to sale, at least five days before the time appointed for sel-
ling them, and therein describe the goods and chattels so tak-
en ; and at the time and place so appointed for sale, shall expose
them to sale at public vendue to the highest bidder, and pay the
debt or damages and costs levied, to the clerk of the said court,
returning the overplus if any to the owner.

70 XXXVII. *And be it further enacted*, That whenever judgment
shall be rendered against any person not an inhabitant, having
a family and having no freehold, for any cause whatever, or
whenever judgment shall be rendered against any person what-
ever, for any penalty under any statute of this state, or under the
charter or any bye-law of the said corporation, or whenever
judgment shall be rendered against any person whatever, for any
sum exceeding twenty-five dollars exclusive of costs, the party
obtaining such judgment may, at his election, have an execution
either against the body or goods of the person against whom such
71 judgment is rendered ; and the constable or other proper officer

shall, according to the tenor of the said execution, take the body of the person against whom the same shall be granted, and bring him, her or them, before the court out of which the same issued : And if any person so taken and brought before the said court, or brought before either of the said courts by warrant, and a judgment shall thereupon be given against him, her or them, shall there allege that he, she or they is or are not liable to be imprisoned for the cause mentioned in such execution, or on account of such judgment, the court shall examine into the truth of the matter, and if they shall find that such person or persons is or are not liable to be imprisoned for the said cause, they shall cause such person or persons to be discharged from such arrest ; but if the court should be of opinion, that such person or persons is or are by law liable to be imprisoned for the said cause, or if no such allegation shall be made, and the money mentioned in such execution, or for which the judgment is given, is not there paid, nor security satisfactory to the court given, to pay the same at the end of thirty days from the rendition of said judgment, in case where the sum for which said judgment shall be given, shall not exceed twenty-five dollars exclusive of costs, or at the end of sixty days, if the sum exclusive of costs shall exceed twenty-five dollars, and shall not exceed fifty dollars exclusive of costs, and the said thirty days or sixty days, as the case may be, shall not have expired before the said person or persons shall be so brought in as aforesaid, then they shall cause an entry to be made in the minutes of the same court, purporting that such person or persons shall be committed to the gaol of the city and county of New-York, in execution of the debt, damages and costs, or damages and costs mentioned in such execution and judgment, and cause a precept or mittimus to be issued for conveying such person or persons to the said gaol, which precept shall be delivered to one of the constables or marshals of the said city, who shall thereupon convey such person or persons to the gaol of the said city and county, and there deliver him, her or them, together with the precept, to the keeper of the said gaol, who shall thereupon receive and safely keep such person or persons in execution in the said gaol, until he, she or they shall be thence delivered by course of law : And if any person or persons taken by virtue of such execution or warrant, shall be discharged from such arrest by the court as aforesaid, such taking and discharge shall not operate a release or discharge of the debt or demand for which such person or persons was taken, nor prevent any execution for the same against the goods and chattels of the person or persons so discharged.

XXXVIII. *And be it further enacted,* That in all cases where 72 the amount of any judgment which shall be rendered by either of the said courts, shall not exceed twenty-five dollars, exclusive of costs, and the person or persons against whom such judgment shall be rendered, shall give such security as the court shall approve, for the payment of the amount of such judgment and costs, at the expiration of thirty days from the time of the entry of such judgment, that then no execution shall issue thereupon until the expiration of the said thirty days ; or where the

amount of any judgment shall exceed twenty-five dollars, exclusive of costs, and not exceed fifty dollars, exclusive of costs, and the person or persons against whom such judgment shall be given as aforesaid, shall give security as aforesaid, for the payment of the amount of such judgment at the end of sixty days, that then no execution shall issue thereupon until the end and expiration of the said sixty days.

XXXIX. *And be it further enacted*, That no execution of any judgment given by virtue of this act for any sum not exceeding twenty-five dollars, exclusive of costs, shall issue against any freeholder or inhabitant having a family, in less than thirty days after giving the said judgment; and that no execution of any judgment as aforesaid, for any sum exceeding twenty-five dollars, exclusive of costs, and not exceeding fifty dollars, exclusive of costs, shall issue against any freeholder or inhabitant having a family, in less than sixty days after giving the said judgment, unless the party in whose favor judgment shall be given shall make it appear, on his or her own oath, or the oath of some other person or persons, to the satisfaction of the court, that such person or persons in whose favor the judgment shall or may be given, will be in danger of losing his or her or their debt if such delay should be allowed; in which case, if the person or persons against whom the oath shall be taken shall not be present in court at the time of taking the oath as aforesaid, the court shall order some proper officer to notify such person or persons that the said oath has been taken as aforesaid, and direct him, her or them, to enter, at any time the said court may appoint, not exceeding twenty-four hours, security to pay the debt, damages and costs before or at the expiration of thirty days, or sixty days, as the case may be; and in case the person or persons against whom judgment shall be entered, shall neglect or refuse to enter security as aforesaid, then the said court shall issue execution immediately: *Provided nevertheless*, That if it should appear to the satisfaction of the court, upon oath as aforesaid, that there would be danger as aforesaid, if any delay should be allowed; or if the person or persons against whom judgment shall have been given as aforesaid, should have notice aforesaid of the said oath having been taken, that then the said court may issue execution without giving said notice: *Provided also*, That execution may be forthwith issued whenever judgment shall be entered for any sum in any action which shall be brought in any of the said courts by any seaman or mariner against the owner or owners, master or commander of any ship or vessel in the merchant service, for or by reason of the non-performance or breach of any agreement or contract made by such seaman or mariner with the owner or owners, master or commander aforesaid, for services, or compensation for services, on board of any such ship or vessel, or for wages or compensation for services on board any such ship or vessel during any voyage performed, or in part performed by such ship or vessel, while such person was on board of such ship or vessel in the capacity of a seaman or mariner; and also whenever judgment shall be entered as aforesaid, in

any action which shall be brought as aforesaid, by any owner or owners, master or commander of any ship or vessel in the merchant service, against any seaman or mariner, for or by reason of the non-performance of any agreement or contract made by such seaman or mariner with such owner or owners, master or commander of any such ship or vessel, for services to be performed by him as a seaman or mariner on board such ship or vessel, for any voyage performed wholly or in part, or intended to be performed; and also whenever judgment shall be entered as aforesaid, in any action brought in either of the said courts as aforesaid, for assault, battery and false imprisonment, done or committed by any master or commander of any ship or vessel in the merchant service, upon any officer, seaman or mariner, or other person, on board of or belonging to such ship or vessel, upon the high seas, or in any foreign port or place where such ship or vessel may then be; or in any action of assault and battery and false imprisonment done or committed by any officer of any ship or vessel in the merchant service, upon any seaman or mariner, or other person on board of or belonging to such ship or vessel; or by any seaman or mariner, or other person, on board of or belonging to such ship or vessel, upon the master or commander, or other officer thereof; or by one seaman or mariner, or other person, on board of or belonging to such ship or vessel, upon another seaman or mariner, or other person, on board of or belonging to such ship or vessel, upon the high seas, or in any foreign port or place where such ship or vessel may then be; and that in any of the said cases mentioned in this proviso, the person against whom such execution shall issue shall not be entitled to any delay by giving security as herein before mentioned, any thing contained in this act to the contrary thereof notwithstanding.

XL. *And be it further enacted*, That the whole amount of the 73 money to be levied or paid upon any execution to be issued by virtue of this act, shall be mentioned therein, including the costs for executing the same, with the other costs of suit, and the clerk shall endorse on every execution the amount of the debt and costs separately and distinctly, which are to be levied or paid thereon, and sign his name to the said endorsement, and no greater sum shall be levied or taken in any case or by virtue of such execution.

XLI. *And be it further enacted*, That in every record of conviction before either of the said courts of any offence against the 74 act, entitled "An act for suppressing immorality," or the act, entitled "An act to lay a duty on strong liquors and for regulating inns and taverns," the names of the justices before whom the conviction shall be had shall be inserted, and instead of the words "mayor or recorder, or one of the aldermen," the words "justices of the peace" shall be inserted, and instead of the words "given under my hand and seal" the words "witness the said justices" shall be inserted.

XLII. *And be it further enacted*, That in case any constable, or 75 other proper officer, to whom any execution against the goods and chattels of any person or persons, shall be delivered, shall not within thirty days after receiving such execution, levy the

same on the goods and chattels of the person against whom such execution shall be granted, and in ten days after the receipt of the debt and costs so levied, pay the same into the hands of the clerk of the court from which such execution issued, or to the person in whose favor the execution was granted, or where execution shall be against the body, then if the constable or other officer shall not take the body of the person against whom such execution was granted, if to be found, then and in every such case the said constable or other officer shall be liable and held to pay the amount of the said execution, to be recovered by an action of debt, with costs, by the person in whose favor such execution was granted, in which case execution shall issue forthwith :

76 And further, in every such case, or in case the said constable, or other officer, shall be prosecuted for any money collected by him in his official capacity, and retained by him, and judgment be thereupon entered against him, or shall be guilty of any disorderly or improper conduct, in or towards the said courts, or either of them, then and in such case it shall be lawful for the said courts in their discretion to prohibit the said constables, or other officer, to serve or execute any process or execution thereafter to be issued out of the said courts, or either of them, in any civil case whatsoever.

77 XLIII. *And be it further enacted,* That no judgment, order or proceeding whatsoever to be had or made by virtue of this act shall be removed by habeas corpus or writ of error, or false judgment, nor shall any certiorari be allowed to remove any judgment, order or proceeding whatsoever to be had by virtue of this act, unless the party applying for such certiorari, shall within thirty days after such judgment given, make satisfactory affidavit that there is reasonable cause for granting such certiorari, to remove such judgment, order or proceeding, either for error therein, or for some unfair practice of the justices who shall have tried the cause, which shall be particularly specified in such affidavit, and which affidavit may be made before one of the justices of the supreme court, or the mayor, or recorder of the city of New-York, or before one of the commissioners for taking affidavits to be read in the supreme court, and such affidavit shall be left with the judge, who may allow such certiorari, in order that the adverse party may obtain a copy thereof ; and if any certiorari or other writ, shall be granted or issued otherwise than is above mentioned, the same shall be void and of no effect : *And further,* That no execution upon any judgment to be given by virtue of this act, shall be prevented or stayed by any certiorari or other writ, in case the party in whose favor such judgment shall be given, shall give such security as may be satisfactory to the court, to restore the debt or damages for which such judgment shall be obtained with the interest and costs, in case such judgment should be reversed, and if any judgment to be given by virtue of this act, shall be removed into the supreme court by certiorari, and be there confirmed, then the party prosecuting such certiorari, shall pay to the adverse party all costs of defending such suit in the supreme court to be taxed, and the

party entitled to such costs shall and may have execution for the same out of the said supreme court, against the body or goods and chattels of the party who ought to pay the same ; but if such judgment shall be reversed, then the party procuring such certiorari, shall recover his or her costs in like manner : *Provided always*, That in all judgments removed by certiorari as aforesaid, the supreme court shall proceed and give judgment, according as the very right of the case shall appear, without regarding any imperfection, omission or defect in the proceeding in the court below, in mere matters of form, and that so much of the act, entitled " An act concerning amendments and jeofails," as may be applicable, shall be deemed at all times to apply as fully to judgments and proceedings under this act, as to judgments and proceedings in any other court of record in this state.

XLIV. *And be it further enacted*, That in all actions brought by virtue of this act, wherein the sum or thing demanded, shall not exceed twenty-five dollars, the following and no other or greater fees shall be allowed, taxed or taken by virtue of this act, than the following, that is to say :

Fees to said Justices to be divided among them in manner hereafter 79 mentioned.

For entering every action, six cents.

For every summons or warrant, twenty-five cents.

For entering the return of every summons, warrant or execution, twelve and an half cents.

For entering an appearance or default, six cents.

For entering the substance of the plaintiff's charge or demand upon the return of the process against the defendant, when served, twenty-five cents.

For entering the substance of the defendant's plea, twelve and an half cents ; and if such charge, demand or plea is exhibited in writing, the same shall be filed in the office of the clerk.

For taking security, twelve and an half cents.

For every venire to summon a jury, twenty and an half cents.

For a subpoena, for each witness, six cents.

For administering an oath in court, twelve and an half cents.

For every judgment or conviction, twelve and an half cents.

For entering the same in minutes, twelve and an half cents.

For every commitment, twelve and an half cents.

For entering same in minutes, six cents.

For every execution, twenty and an half cents.

For taking the acknowledgment of satisfaction of a judgment, six cents.

For entering every adjournment, twelve and an half cents.

And the clerks of the said courts shall receive the said fees, and 80 account to the said justices for the same at least once in every month, and oftener if required by the said justices, and shall divide and pay the amount thereof to and among such of the said justices as shall have attended the courts during the time in which the said fees shall have been received, in proportion to the number of days each of them shall have attended the courts respectively during that period.

81 *Fees to the Constables and Marshals.*

For serving every summons, twelve and an half cents.

For serving every warrant, twenty-five cents.

For taking the defendant into custody on a mittimus or commitment, twelve and an half cents.

For conveying a person to gaol, twelve and an half cents.

For serving an execution for two and an half dollars, or under, twenty-five cents, and at the rate of twelve and an half cents for every two and an half dollars more.

For travelling, if the person arrested is taken above one mile from the place where the court is holden, for every mile going only, ten cents.

For summoning a jury of twelve men, forty and an half cents.

For going with the plaintiff or defendant to procure security, in cases where it is ordered by the court, twenty-five cents.

For notifying defendant to give security, in cases where it is ordered by the court, twenty-five cents.

82 *Fees of Jurors.*

For every cause tried, each twelve and an half cents.

83 *Fees to Witnesses and Charges for summoning them.*

For each witness attending and sworn, twelve and an half cents.

For serving a subpoena on each witness, twelve and an half cents.

84 *Fees to Gaoler.*

For receiving a person committed on a warrant, mittimus or commitment, twenty-five cents.

XLV. *And be it further enacted,* That in all actions where the sum or thing demanded shall exceed twenty-five dollars, the following and no other or greater fees, shall be allowed, taxed or taken, by virtue of this act, that is to say :

85 *Fees to the Justices.*

For entering each action twelve and an half cents.

For every summons or warrant, twenty-five cents.

For entering the return on every summons, warrant or execution, and filing the same, twelve and an half cents.

For entering the substance of the plaintiff's charge or demand, upon the return of the process against the defendant, when served, seventy-five cents.

For entering the appearance or default of plaintiff or defendant, six cents.

For entering the substance of the defendant's plea, plaintiff's replication, or any other pleading, each twenty-five cents ; and if such charge, demand, plea, replication, or other pleading, is exhibited in writing, the same shall be filed in the office of the clerk.

For taking security, twenty-five cents.

For every venire, thirty-seven and an half cents.

For a subpoena for each witness, twelve and an half cents.

For administering every oath in court, twelve and an half cents.

For every judgment, retraxit, or discontinuance, twenty-five cents.

For entering the same, twenty-five cents.

For every execution, thirty-seven and an half cents.

For every commitment, twenty-five cents.

For entering the same, twelve and an half cents.

For taking the acknowledgment of satisfaction of judgment, twelve and an half cents.

For entering the same, twelve and an half cents.

For an adjournment, twelve and an half cents.

For making out bill of costs, twenty-five cents.

For trial fee, in each cause tried, two dollars and fifty cents.

For drawing a jury and making a panel on jury process, twenty-five cents.

For receiving and entering verdict, twelve and an half cents.

The following Fees shall be allowed the said Justices in all cases. 86

For copies of proceedings in the said court when required, for every seventy-two words, nine cents.

For every search, six cents.

For filing each paper or pleading, when in writing, six cents :

And the clerks of the said courts shall receive the said fees and 87
account to the said justices for the same, at the time and in the manner herein before mentioned.

Fees to be allowed to the Constables and Marshals. 88

For serving every summons, eighteen and an half cents.

For serving every warrant, thirty-seven and an half cents.

For summoning a jury of twenty men, seventy-five cents.

For taking the defendant into custody on a mittimus or commitment; for conveying a person to gaol; for serving an execution; for travelling, if the person arrested is taken above one mile from the place where the said court is holden; for going with the plaintiff or defendant to procure security in cases where it is ordered by the court; for notifying defendant to give security on oath of danger, when the defendant is not in court, the same as is allowed in cases wherein the sum or thing demanded does not exceed twenty-five dollars.

Fees of the jurors, witnesses and gaoler, the same as in actions 89
where the sum or thing demanded does not exceed twenty-five dollars.

XLVI. *And be it further enacted*, That the mayor, aldermen and 90
commonalty of the city of New-York, in common council convened, shall order to be paid to the said justices, out of the money arising from the excise or duty on strong liquors, and the licences to be granted to retailers thereof, in the said city, a sum sufficient to enable the said justices to procure or to erect a suitable and convenient place or building wherein to hold the court herein before directed to be held, not exceeding one quarter of a mile from the said watch-house.

XLVII. *And be it further enacted*, That if any plaintiff in any 91
action which shall or may be brought by virtue of this act, shall demand above twenty-five dollars and not recover more than that sum, he shall recover no more costs than are allowed in suits or actions, for sums not exceeding twenty-five dollars, and moreover shall be held and bound to pay to the defendant the extra costs which may have accrued, in consequence of his having demanded a greater sum than twenty-five dollars, for which costs

the said courts are hereby authorized to issue execution forthwith, or to deduct and retain the same from the debt or damages recovered and collected.

- 92 XLVIII. *And be it further enacted*, That the registers and books of entries for the said courts hereby instituted, or copies thereof proved, shall be deemed legal evidence of the acts and proceedings of the said courts respectively ; and that the said courts shall be deemed, taken and held to be courts of record.
- 93 XLIX. *And be it further enacted*, That the mayor, recorder and aldermen of the city of New-York, for the time being, or any three or more of them, of whom the mayor or recorder to be one, shall hold the courts of sessions of the peace in and for the city and county of New-York, and each of them the said mayor, recorder and aldermen, shall hereafter have the power of justices of the peace, in and for the city and county of New-York, as fully and in the same manner as if this act had not been made.
- 94 L. *And be it further enacted*, That if any person or persons shall prosecute any action in the supreme court of this state, or in the mayor's court in the city of New-York, and it shall appear to the court wherein such action shall be prosecuted at the trial thereof, that the same is within the provision of this act, the plaintiff or plaintiffs shall not be entitled to recover costs, but shall pay costs of suit to the defendant or defendants in such case to be taxed : *Provided nevertheless*, That if any suit or action which is within the provision of this act, shall be prosecuted in the supreme or mayor's court for any sum above fifty dollars, if the plaintiff shall recover more than one hundred dollars, he shall not be barred of his right to recover costs.
- 95 LI. *And be it further enacted*, That it shall and may be lawful for the said justices, or a major part of them, in case of any public calamity or imminent danger thereof, to adjourn the sessions of the said courts respectively, from the place herein before directed to be holden, to some other fit and convenient place or places within the city and county of New-York, and there to hold the said courts during such time as to the said justices, or a major part of them, may appear necessary ; and that all the process of the said courts, in case of such adjournment, shall and may be made returnable, and all persons shall be bound to appear at such place appointed by the said justices, or a major part of them, and all proceedings of such courts shall be held and deemed legal as though such adjournment had not been made.
- 96 LII. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, from time to time, to appoint and commission one or more justices of the peace, in and for the ninth ward of the said city of New-York, with the like powers as are given to justices of the peace in the several counties of this state, in and by the act, entitled " An act for the more speedy recovery of debts to the value of twenty-five dollars : " *Provided nevertheless*, That no process to be issued by the said justice or justices, except in

criminal cases, shall be executed at any place without the limits of the said ninth ward, but that the said justice or justices in all cases where they shall be authorized by law to imprison, may commit such person so subject to imprisonment, to the gaol of the city and county of New-York.

LIII. *And be it further enacted*, That no other justices of the 97 peace than those now appointed, or such others as shall be appointed in their stead, shall until after the thirtieth day of April next, have power to hold the court directed to be holden at the city-hall of the city of New-York, in and by the act, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York."

LIV. *And be it further enacted*, That from and after the thirtieth day of April next, the act, entitled "An act for the more speedy recovery of debts to the value of ten pounds," so far as the same relates or extends to the city of New-York, and the act, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York," and the act, entitled "An act concerning certain debts and demands in the city of New-York, and to amend an act, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New-York," be and the same are hereby repealed.

LV. *And be it further enacted*, That this act shall be deemed and adjudged to be a public act.

C H A P. LV.

An ACT to continue the Act, entitled "An Act relative to the Circuit Courts and Sittings in the City and County of New-York, and for other Purposes.

Passed April 4th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act, entitled "An act relative to the circuit courts and sittings in the city and county of New-York," shall continue and be in force until the first day of January, in the year of our Lord one thousand eight hundred and eight.

II. *And be it further enacted*, That the act, entitled "An act to amend the act, entitled "An act for regulating trials of issues and for returning able and sufficient jurors," passed 16th March, 1803, shall not extend to the trial of issues in any court to be held in the city and county of New-York.

C H A P. LVIII.

C O N T E N T S.

5. Accounts of suitors with the banks, how kept.
11. Chancellor may invest or loan monies brought into court, &c.
12. ----- May appoint Serjeants for his courts.
16. ----- May appoint persons to take affidavits.

17. Chancery, a proviso in the act concerning the court of, repealed.
15. Masters, their additional fees.
 1. Register and Assistant Register hereafter appointed, to give bonds.
 2. ----- Now in office, to do the like in three months.
 3. ----- Their bonds how recovered and money applied in case of a breach of the conditions.
 4. ----- To have accounts opened with certain banks.
 8. ----- To account with the Chancellor.
 10. ----- Monies placed to their credit in the banks, in case of their death or removal, to be transferred to the credit of their successors.
 14. ----- Their additional fees.
 12. Serjeants, Chancellor authorized to appoint.
 13. ----- Their duties and compensation.
 6. Stock and Securities for monies placed at interest by the Masters to be assigned to the Register or Assistant Register.
 7. ----- Hereafter to be taken, to be in the name of the Register or Assistant Register.
 9. ----- On the death or removal of the Register or Assistant Register, in whom to vest.

An ACT to regulate the Duties and Fees of certain Officers in Chancery, and for other Purposes.

Passed April 4th, 1804.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the register and assistant register of the court of chancery hereafter to be appointed shall before they respectively enter upon the duties of their offices, together with two sufficient sureties, to be approved by the chancellor, execute a bond to the people of this state for the sum of ten thousand dollars, conditioned for the faithful performance of the duties of their respective offices, which bonds shall be filed in such office as the chancellor shall order: That the present register and assistant register shall respectively give a like bond within three months after the passing of this act, which bonds shall in case of a breach of the conditions thereunder written, be so prosecuted, and the product thereof so applied as the chancellor shall in his discretion deem proper, for the indemnity of the persons injured by any such breach.
- II. *And be it further enacted,* That an account shall be kept in the name of the register or assistant register resident in the city of New-York, with the bank of New-York, and in the name of the register or assistant register resident in the city of Albany, with the bank of Albany; and that the accounts of all monies paid into either of the said banks for or by the suitors in the said court, shall be kept in such manner as the chancellor shall from time to time direct: That all stock and securities for money placed out at interest by any of the masters of the said court by order of the said court, shall be assigned to the said register or assistant register in trust for the benefit of the persons for whose use the same was intended to enure: That all mortgages, stock, and other securities to be hereafter taken by the order of the said court for the benefit of the suitors therein, shall, if appoint-

ed to be taken in the name of any officer of the said court, be taken in the name of the register or assistant register : That the said register and assistant register shall respectively, on the first day of every term held in the city in which they are resident, exhibit as well their bank accounts as the account kept by them, to the chancellor for his examination : That after the death or removal of any register or assistant register, all stock, mortgages, and other securities vested in him at the time of his death or removal, shall be vested in the register or assistant register resident in the city in which the register or assistant register who so died or was removed kept his office, as his successor ; and that upon such death or removal, all monies deposited in either of the said banks, for which such register or assistant register shall then have credit as such in his account with the same bank, shall be carried to the account of his said successor in office : That it shall be lawful, in the discretion of the chancellor, to cause any of the monies brought into the court of chancery to be invested in any public stock, and from time to time to be transferred or disposed of to answer the exigencies which may arise in the said court, or to direct them to be placed at interest on approved landed security, and from time to time to make such rules and regulations in and about the premises for making such deposits, keeping the accounts thereof, and drawing such monies as may be required to be withdrawn from the said deposits as from a common fund, as the chancellor shall deem meet and reasonable.

III. *And be it further enacted*, That the chancellor may, from time to time, appoint, during his pleasure, a serjeant of the said court in each of the cities of Albany and New-York, whose duty it shall be to attend the said court while sitting in the city for which such appointment shall be made, and to perform such services in and about the said court as the chancellor shall from time to time require : That the fees allowed to such serjeants, to be equally divided between them, shall be fifty cents for every final decree in a cause.

IV. *And be it further enacted*, That the following additional fees shall be allowed to the officers of the said court.

The Register and Assistant Register's Fees.

For entering the receipt of monies deposited to the cause in which such deposit shall be made, and causing the same to be entered in his account book with the bank, one dollar and fifty cents.

For purchasing stock and procuring a transfer thereof, and entering the same in his account, for every sum not exceeding two hundred dollars, at the rate of one half per cent, for every sum more one quarter per cent, so that the allowance made for any sum so invested in stock in the same suit, or part of the same deposit, shall always be as and for one purchase only.

Making transfer of stock by order of the court, two dollars.

For receiving the interest payable on the stock or other securities, and paying the same into either of the said banks, at the rate of one cent on every dollar of such interest.

For putting out money by order of the court, such allowance as to the chancellor shall seem reasonable.

15

The Master's Fees.

For hearing every argument on exception or other matter, three dollars.

Examining into circumstances of sureties, one dollar.

Settling the form of a deed in cases where he shall not be required to sell, one dollar and fifty cents.

For settling and drawing the form of the assignment of bonds, mortgages or other instruments, ordered to be assigned by the court, but no more than one such fee to be allowed in a cause, two dollars and twenty-five cents.

Examining an infant when produced to him for his inspection, preparatory to the appointment of one or more guardians, and examining as to the competency of such guardians; but no more than one fee to be exacted in any case in which a joint petition by or for several infants is presented to constitute them wards to the same guardians; one dollar and twenty-five cents.

Taking proofs in cases of bills of divorce, and giving an opinion thereupon, five dollars.

Perusing a bill and giving his opinion thereon in cases where writs of injunction or *ne exeat* are applied for whether the writ applied for is granted or not, one dollar and twenty-five cents.

For superintending the payment of monies when ordered to be paid in his presence or under his direction, two dollars.

- 16 V. *And be it further enacted*, That the chancellor shall, by one or more commissions, under the seal of the court of chancery, from time to time, as need shall require, empower such and so many persons as he shall deem fit, in every county, to take affidavits of any person desirous to make the same concerning any cause or matter depending, or any proceedings to be had in the said court, and every affidavit so taken shall be of like force as affidavits taken before one of the masters of the said court; and that every person who shall commit perjury in any such affidavit shall incur the same penalties as if such affidavit had been taken before a master.

- 17 VI. *And be it further enacted*, That the first proviso contained in the first section of the act, entitled "An act concerning the court of chancery," passed the twenty-third day of February, one thousand eight hundred and two, shall be and is hereby repealed.

C H A P. LXXIV.

C O N T E N T S.

1. Montgomery County, February term of its courts altered.
2. Saratoga, its September term altered.
3. Washington, its September term altered.
4. Terms altered, may be continued and adjourned as heretofore.
5. Writs, &c. made returnable to the terms as altered.

An ACT for altering the Times of holding the Courts of Common Pleas and General Sessions of the Peace, in the Counties therein mentioned.

Passed April 7th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That hereafter the term of the courts of common pleas and general sessions of the peace in and for the county of Montgomery, shall be held on the third Tuesday in January in every year, instead of the second Tuesday in February as heretofore, and shall be called the January term; and that the September term of the courts of common pleas and general sessions of the peace in and for the county of Saratoga, shall be held on the first Tuesday in November in every year, instead of the last Tuesday in September as heretofore; that hereafter the September term of the courts of common pleas and general sessions of the peace in and for the county of Washington, shall be held on the last Tuesday of August in every year, instead of the second Tuesday of September as heretofore: And that each of the said terms so made and altered by this act, in the said several counties respectively, may be held, continued and adjourned, as the said terms of the said courts were respectively held, continued and adjourned previous to the passing of this act.

II. *And be it further enacted,* That all writs, process and recognizances, made returnable at the respective terms of the said courts so as heretofore held by law, shall be and hereby are made returnable at the terms of the said courts respectively, as altered by this act, and that all adjournments, appearances and continuances, and notices of any proceedings in said courts respectively shall be held and taken to be made to and at the said terms of the said courts respectively so as aforesaid altered by this act.

Costs.

C H A P. LIX.

An ACT to amend the eighth Section of the Act, entitled "An Act to reduce certain Laws concerning Costs into one Statute."

Passed April 5th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That in all actions of trespass to be prosecuted in any court of common pleas within this state, wherein it shall appear to the judges and assistant justices who shall preside at the trial thereof, that the trespass upon which any defendant shall be found guilty was wilful and malicious, it shall be the duty of the court to direct the clerk to make an entry to such effect in his minutes; and that in every such case the plaintiff shall, by such entry, be entitled to and recover his full costs of suit.

H

Reporter.

C H A P. LXVIII.

An ACT to authorize the Supreme Court to appoint a Reporter.

Passed April 7th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the justices of the supreme court of judicature of this state, from time to time, to appoint by licence, under the hand and seal of the chief justice of the said court, during the pleasure of the said court, a person as a reporter of the said court, whose duty it shall be to report the cases decided by them and the court for the trial of impeachments and the correction of errors, or such thereof as may be deemed important to be reported, and to cause the same to be printed and published as soon as conveniently may be after the expiration of each term; and further, that the said reporter shall receive a salary of eight hundred and fifty dollars per annum, to be paid quarter yearly by the treasurer, on the warrant to be issued by the comptroller: *Provided nevertheless,*

II. *And be it further enacted,* That such reporter shall, at his own expense, deliver to the secretary of this state a number of copies of such reports, when printed, sufficient to furnish one copy for the use of each of the courts of common pleas in the several counties of this state.

III. *And be it further enacted,* That this act shall continue in force for the term of five years.

Executions.

C H A P. CVIII.

An ACT to amend an Act, entitled "An Act concerning Judgments and Executions."

Passed April 10th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of May next, no sheriff, under sheriff or other proper officer having any execution which shall have issued from and out of the supreme court, the court of chancery, or either of the courts of common pleas, or mayor's courts within this state, against the goods and chattels of any person, shall expose to sale such goods or chattels, except such officer shall previously give notice of such sale by advertisement for at least six days, put up in three of the most public places of the town in which such sale shall be, notifying the time and place when and where such goods and chattels are to be sold, any law, usage or custom to the contrary notwithstanding.

Clerk's Office.

C H A P. XV.

An ACT for the removal of the Clerk's Office of the County of Tioga, to a central Situation in said County.

Passed March 20th, 1804.

WHEREAS sundry inhabitants of the county of Tioga have, by their petition, represented to this legislature, that many inconveniences arise from the present situation of the clerk's office of said county : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of July next, the office of clerk for the county of Tioga shall be kept in a central situation in said county, not more than three miles from the village of Owego, in the town of Tioga, on the north side of the river Susquehannah.

Court Houses.

C H A P. XII.

An ACT for completing the Court House and Gaol in the County of Clinton.

Passed February 28th, 1804.

I. B*E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of the county of Clinton is hereby authorized and required to pay to the supervisors of said county, or their order, from time to time, any sum or sums of money, not exceeding seven hundred and fifty dollars, out of any money in his hands not otherwise appropriated, for the purpose of completing the court house and gaol in said county.*

II. *And be it further enacted, That the court house aforesaid, is and shall be the court house in and for the said county of Clinton ; and as soon as the sheriff of the said county of Clinton shall deem the gaol, directed to be built in that county, sufficiently finished for the safe keeping of prisoners, the same shall thereafter be the gaol of the said county of Clinton, and the sheriff shall remove his prisoners to the said gaol, and such removal shall in no manner be construed an escape.*

C H A P. XVII.

C O N T E N T S.

4. Commissioners to account with the Supervisors.
5. Court of Common Pleas, certain proceedings of, declared valid.
1. Supervisors directed to raise a sum of money.---2. When to be paid.
3. Treasurer of Onondaga county, his duty and fees.

An ACT for raising a further Sum of Money for completing the Court House and Gaol in the County of Onondaga, and for other Purposes.

Passed March 20th, 1804.

WHEREAS the supervisors of the county of Onondaga have, by their petition, requested that a further sum of money may be directed to be raised for completing the court house and gaol thereof: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the supervisors of the county of Onondaga be and they are hereby authorized and required, to direct to be levied and raised, on the freeholders and inhabitants of said county, the sum of two thousand dollars, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner as the contingent charges of said county are by law levied and collected.

II. *And be it further enacted,* That the said sum of two thousand dollars shall be collected and paid into the treasury of said county on or before the first day of February next; and the treasurer of said county is hereby required and directed to pay the said sum of two thousand dollars to the order of the commissioners appointed to superintend the building of said court house and gaol, retaining in his hands the sum of one cent on the dollar for receiving and paying out the same.

III. *And be it further enacted,* That the said commissioners shall account with the supervisors of the said county for the money so by them to be received and expended for the purposes aforesaid.

IV. *And be it further enacted,* That the proceedings of the court of common pleas and general sessions of the peace of January term last, held in and for the county of Onondaga, by adjournment at the house of John Adams in the town of Onondaga, be, and the said proceedings are hereby declared to be as valid to all intents and purposes as though said courts had been held in the court house, any law to the contrary notwithstanding.

C H A P. XXIV.

C O N T E N T S.

1. Act hereby amended, two sections thereof repealed.
3. Commissioners, to ascertain and fix the spot for building c. house...
 4. And to purchase land for building it on, &c.
9. Constables, not obliged to attend courts out of their jury districts.
6. County Clerk, to procure jury boxes, &c.
2. Court House, where to be erected.
8. Grand Jurors, to attend courts only in their own jury districts.
7. Jurors for the trial of issues, to attend only in their own districts.
5. Jury Districts, county divided into two.

An ACT to amend the Act, entitled "An Act for building a Court House and altering the Terms of the Courts of Common Pleas and General Sessions of the Peace in the County of Washington."

Passed March 20th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the second and fourth sections of the act, entitled "An act for building a court house and altering the terms of the courts of common pleas and general sessions of the peace in the county of Washington," be and the same are hereby repealed.

II. *And be it further enacted,* That the court house directed to be built in and by the above recited act, shall be erected and built at Sandyhill in the town of Kingsbury, in the said county, within half a mile from the dwelling house of Daniel Cook.

III. *And be it further enacted,* That the commissioners appointed in and by the third section of the above recited act, or the major part of them, shall on or before the first day of April next, determine and fix upon the most suitable spot for erecting and building the said court house at the place above mentioned; and they are hereby authorized to purchase so much land as shall be necessary for the said building, not exceeding one half acre, and to procure a good and sufficient conveyance thereof in the name of the supervisors of the said county, and their successors in office for ever, in trust for the sole use and benefit of the inhabitants of the said county, which conveyance shall after being proven and recorded in the office of the clerk of the said county, be deposited in the said clerk's office for safe keeping; and the said commissioners are hereby authorized to pay for the said land, out of the monies directed to be raised by virtue of the above recited act.

IV. *And be it further enacted,* That from and after the passing of this act, the county of Washington shall be divided into two jury districts in manner following, to wit: The towns of Cambridge, Easton, Greenwich, Argyle, Salem, Hebron and Granville, shall compose the first district, and the remaining part of said county shall compose the second district.

V. *And be it further enacted,* That the clerk of the said county shall immediately provide four jury boxes for said county and shall mark on two of said boxes the name of one of the said districts, and on the remaining boxes, the name of the other of the said districts; and it shall be the duty of the clerk to put the slips of paper containing the names of persons residing in each of the said districts, who are or shall be returned to him, in pursuance of the act, entitled "An act for regulating trials of issues, and for returning able and sufficient jurors, into one of the boxes belonging to the district in which such persons shall severally reside.

VI. *And be it further enacted,* That jurors for the trial of issues in the circuit court, court of oyer and terminer and gaol delivery, and court of common pleas and general sessions of the peace, to be held in and for the said county of Washington, at

any time after the first day of April next, shall be taken from one of the jury districts in which either of the said courts is then next to be held, in the manner directed in and by the act herein recited, and as if each of the said districts were separate and distinct counties, any thing in the said act contained to the contrary notwithstanding.

VIII. *And be it further enacted*, That the grand jurors shall be summoned and taken from the district in which the courts of oyer and terminer and gaol delivery, and courts of general sessions of the peace, shall from time to time be held.

IX. *And be it further enacted*, That the constables in and for the said county, shall not be obliged to attend any of the courts to be held in and for the county of Washington, after the said first day of April next, out of the district in which they may respectively reside.

Gaol.

C H A P. XXXIII.

An ACT for raising a further Sum of Money for completing the Gaol in the County of Greene.

Passed March 27th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Greene be, and they are hereby empowered and directed to raise and levy on the freeholders and inhabitants of the said county, a sum not exceeding one thousand dollars, with the additional sum of five cents on each dollar for collecting the same, and one cent on each dollar for treasurer's fees, which said sum shall be raised, levied and collected in the same manner as the other necessary and contingent charges of the said county are raised, levied and collected.

II. *And be it further enacted*, That the treasurer of the said county shall pay over the money so to be collected as the same shall come into his hands, to the said commissioners, or to some one of them, and the commissioner or commissioners who shall superintend the finishing of said gaol, shall account with the board of supervisors for the expenditure of the said sum of money, when thereunto required.

Amendment.

C H A P. IV.

An ACT ratifying a certain Article proposed by Congress as an Amendment, to the Constitution of the United States of America.

Passed February 11th, 1804.

WHEREAS by the fifth article of the constitution of the United States of America, it is provided, that the con-

gress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to the said constitution, which shall be valid to all intents and purposes as part of the said constitution when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode may be proposed by congress.

And whereas, in the first session of the eighth congress of the United States of America, begun and held at the city of Washington, in the territory of Columbia, on Monday the seventeenth day of October, one thousand eight hundred and three, it was resolved by the senate and house of representatives of the United States of America, in congress assembled, two thirds of both houses concurring, that in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed as an amendment to the constitution of the United States, which, when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes, as part of the said constitution, to wit: The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves: they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president and all persons voted for as vice-president, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the greatest number not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot the president; but in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice; and if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president shall be vice-president, if such number be a majority of the whole number of the electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary.

to a choice ; but no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States. And whereas the legislature of this state have considered the said article, and do agree to the same : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said article shall be, and the same is hereby ratified by the legislature of this state.

Election Districts.

C H A P. XIX.

C O N T E N T S.

1. Congressional Election Districts altered and described.
3. The former Act on this subject, repealed.
2. St. Lawrence, votes taken at the next election in, may be transmitted to the Clerk of Oneida.

An ACT for regulating the Election of Representatives for this State in the House of Representatives of the Congress of the United States.

Passed March 20th, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That instead of the present districts for the purpose of electing representatives in the house of representatives of the congress of the United States, this state shall be and is hereby divided into seventeen districts, which shall be known and numbered as follows : The counties of Suffolk and Queens shall compose the first ; the county of Kings, the the county of Richmond and the city and county of New-York, shall compose the second and third, and shall elect two representatives ; the counties of Westchester and Rockland the fourth ; the county of Orange the fifth ; the county of Dutchess the sixth ; the counties of Ulster and Greene the seventh ; the county of Columbia the eighth ; the city and county of Albany the ninth ; the county of Rensselaer the tenth ; the counties of Saratoga, Clinton and Essex the eleventh ; the county of Washington the twelfth ; the counties of Schoharie and Montgomery the thirteenth ; the counties of Otsego and Delaware the fourteenth ; the counties of Herkimer, Oneida and St. Lawrence the fifteenth ; the counties of Chenango, Onondaga and Tioga the sixteenth, and the counties of Cayuga, Ontario, Genesee and Steuben, shall compose the seventeenth district.
2. **II.** And be it further enacted, That it shall and may be lawful for the inspectors of elections in the several towns in the county of St. Lawrence, to transmit the votes that may be taken in the said towns at the next election, to the clerk of the county of Oneida, by some one person to be by them appointed for that purpose.
3. **III.** And be it further enacted, That the act, entitled " An act to amend the act for regulating the election of representatives

for this state in the house of representatives of the congress of the United States," passed the thirteenth day of March, one thousand eight hundred and two, shall be and the same is hereby repealed.

Treasurer.

C H A P. II.

An ACT to continue the Treasurer of this State in Office.

Passed February 11th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Abraham G. Lansing shall be and hereby is continued in office, as treasurer of this state, until the eighth day of February next.

Diseases.

C H A P. VIII.

C O N T E N T S.

3. Cargoes of certain vessels, not to be landed in N. Y. without permit.
6. ----- In what cases, may be discharged by boats and lighters.
13. Cotton, from what parts, may be brot to a certain part of N. York.
12. Health-Officers, to receive 2500 dols....how to apply the same.
- 4, 8, 11. Offences, how punished.
2. Persons arriving in certain vessels not to proceed to the city of New-York without permit.
9. Provisions salted, not to be packed or repacked within certain limits of the city of New-York....10. Nor salted beef or fish stored during a certain season.
1. Vessels, in what cases not to approach the city of New-York.
5. ----- Coming from certain places, not to come within a certain distance of New-York.
7. ----- To be under the order of the health-office, for cleansing.

An ACT supplementary to an Act, entitled "An Act to provide against infectious and pestilential Diseases."

Passed February 28th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That every vessel arriving at the quarantine ground between the first day of June and the first day of October, in any one year, from a place where a malignant or pestilential fever prevailed at the time of her departure from such place, or if during her voyage any person has died or been sick on board with such fever, shall not be permitted within the period aforesaid to approach nearer to the city of New-York than the said quarantine ground, except such vessel be bound to a place eastward of the said city and beyond the state, when in such case she may be permitted to proceed on-

ward through the sound without coming to anchor near the said city, or holding any intercourse with it; and that no person arriving in such or any other vessel at the quarantine ground shall proceed to the city of New-York, nor shall any part of the cargoes of such vessels be conveyed to the city of New-York, without a permit in writing from the health officer; and that any master or commander of a vessel, passenger or seaman, or any other person offending in the premises, shall be considered guilty of a misdemeanor, and on conviction thereof, shall for each offence be fined in a sum not exceeding two thousand dollars, to be applied to the use of the marine hospital, or be imprisoned for a time not exceeding three years, by any court having cognizance thereof.

11. *And be it further enacted*, That no ships or vessels which shall arrive in the port of New-York, from any place in the West-Indies, in South-America, in the United States southward of Savannah in Georgia, in the river Mississippi, in the Mediterranean, in Africa, or the Islands thereof, or in Asia (except Canton and Calcutta) or the Islands thereof, between the first day of June and the first day of October in any one year, shall within that period, and after having been examined and permitted to proceed by the health officer, approach within three hundred yards of that part of the Island of New-York which lies southward of a line drawn from the house owned and occupied by William Bayard on the North river, and Stuyvesant's dock upon the East river: But nevertheless, if such ships or vessels coming at anchor within three hundred yards of the said city of New-York, the owner or consignees of such vessel choosing to discharge the whole or any part of said cargo, if such part of her cargo be proper and sound, the same may be unloaded or discharged by boats or lighters, subject to the regulations of the commissioners of the health office; and the said vessel or vessels being unloaded of her or their cargoes, shall then be under the order and regulations of the office aforesaid, as it respects appointing proper places for cleaning and repairing; and that every master, commander, owner or consignee of a vessel concerned in violating this direction, shall be considered guilty of a misdemeanor, and shall upon conviction be subject to the same pains, penalties and fines, to be imposed and applied as aforesaid.

111. *And be it further enacted*, That no salted provisions shall be packed or repacked at any season of the year in that part of the city of New-York, lying to the southward of a line drawn from the outlet of Lispenard's meadow, and thence following the course of the canal until it intersects Grand-street, and thence through Grand-street to where it intersects Ferry-street, then down Ferry-street to the East river; and that from the first day of May to the first day of October, in any one year, no salted or pickled beef, or fish in barrels or half barrels, except smoked beef and fish, shall be deposited within the above limits, except such as shall be exposed for sale by butchers in the public markets, or shall be kept by the heads of families for the use of their respective families; and that every person offending in the pre-

mises shall be considered guilty of a misd. meanor, and upon conviction thereof, shall be fined for each offence in a sum not exceeding five hundred dollars, or be imprisoned for a time not exceeding six months, by any court having cognizance thereof.

IV. *And be it further enacted*, That it shall be lawful for the comptroller to issue his warrant on the treasurer in favor of the commissioners of the health office for two thousand five hundred dollars, for which sum the said commissioners of the health office shall be accountable, and render to the comptroller accounts and sufficient vouchers for the expenditure thereof, to be applied by them to satisfy all demands which have accrued against them for the last year, and to cause to be made such repairs and improvements as may be necessary in the wharves, fences and buildings, at the quarantine ground. 12

V. *And be it further enacted*, That all cotton in bales which is the produce of any part of the United States, or the territories thereunto belonging, shall and may be brought into that part of the city of New-York north of a line commencing at the outlet of Lispenard's meadow, and thence in a line to Ferry-street, at or near Corlaer's hook, on the East river, between the first day of June and the first day of November, in any one year, any law to the contrary notwithstanding. 13

C H A P. LXXIX.

An ACT to prevent the bringing in and the spreading of infectious and pestilential Diseases in the Cities of Albany and Hudson.

Passed April 9th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the mayor of the city of Albany and Hudson, and in their absence, the recorder of the said cities respectively, shall execute the act, entitled "An act to provide against infectious and pestilential diseases," passed the thirtieth day of March, one thousand eight hundred and one, as it relates to the cities of Albany and Hudson; and the physician appointed for the said cities respectively by virtue of the aforesaid act, is hereby authorized to demand and receive, whenever the mayor or recorder as aforesaid shall deem it requisite to put in operation the quarantine regulations authorized by the above recited law, from the commander of each and every vessel coming up the river and bound to the said cities, or who may come and put on shore any person or persons, or any article whatsoever, in the said cities respectively, or within one mile above or below the same, the sum of one dollar and fifty cents for examining and inspecting every such vessel conformable to and for the purposes set forth in the above recited act: *Provided nevertheless*, That such sum shall not be exacted for any vessel of a less burden than twenty tons; and for every vessel of a less burden than twenty tons, the sum of seventy-five cents.

II. *And be it further enacted*, That if any person or persons whosoever shall hinder, or attempt to hinder or obstruct the said physician, or any person in his employ, in executing the duties enjoined on him by this and the above recited act, they shall be liable to the forfeiture contained in the aforesaid recited act, which forfeiture shall be applied towards the support of the Lazaretto established in the cities of Albany and Hudson respectively.

Weights and Measures.

C H A P. I.

C O N T E N T S.

20. Act hereby amended, part thereof repealed.
2. Assistant State Sealer, how to be appointed.
15. ----- To compare his standard with the principal state standard.
18. ----- To take an oath.---19. His compensation.
3. County Sealers in the Western District, how to be appointed.
9. ----- To procure standards.
16. ----- To compare their standard with one of the state standards.
18. ----- To take an oath.---19. Their compensation.
6. County Standards, of what materials to be made,
11. ----- How to be marked---12. Device to be recorded.
1. State Sealer, Secretary to be, ex-officio,
8. ----- To procure two sets of standards.
5. State Standards, of what materials to be made.
11. ----- How to be marked.
4. Town Sealers in the Western District, how to be appointed.
10. ----- To procure standards.
14. ----- If not chosen, their duties to be performed by the county sealers.
17. ----- To compare their standards with the county standards.
18. ----- To take an oath.---19. Their compensation.
7. Town Standards, of what materials to be made.
13. ----- How to be marked, and device to be recorded.

An ACT to amend an Act, entitled "An Act to ascertain Weights and Measures within this State."

Passed February 2d, 1804.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the secretary of this state, for the time being, shall ex-officio be the state sealer of weights and measures : and that there shall be one assistant state sealer, to be appointed from time to time, as occasion may require by the person administering the government of this state, by and with the advice and consent of the council of appointment,
- in the county of Oneida ; and that there shall be one sealer of weights and measures in each county, in the western district of this state to be appointed by the board of supervisors, that shall think proper to appoint one, at their annual meeting in October ;
- and one town sealer of weights and measures in each town, that shall think proper to elect one, to be elected as other town officers are directed to be elected.

II. *And be it further enacted*, That the several state standard 5
weights and measures shall be made of iron, brass or copper,
as the secretary shall direct ; and the several county standard 6
weights and measures, shall be of such materials as the several
boards of supervisors shall direct, and the several town standard 7
weights and measures shall be of such materials as the supervisor
of each town shall direct.

III. *And be it further enacted*, That it shall be the duty of the 8
said secretary, within nine months after the passing of this act,
at the cost of this state, to procure two sets of standard weights
and measures, of the same weight and capacity as is mentioned
in the act hereby amended, with such beams as he shall think
necessary ; one set to be kept by himself as a principal state stand-
ard, and the other three sets to be delivered to the said assistant
state sealers.

IV. *And be it further enacted*, That the said county sealers of 9
weights and measures shall, at the cost of the respective counties
for which they are elected, within six months after being notified
of their several appointments by the clerks of the several
boards of supervisors, whose duty it shall be to give such notice,
to procure a complete set of standard weights and measures for
the use of each respective county ; and that the several town seal- 10
ers of weights and measures, at the cost of the respective towns,
shall within six months after their respective appointments, pro-
cure a set of standard weights and measures for the use of the
town or towns for which they shall be respectively appointed.

V. *And be it further enacted*, That the letters N. Y. shall be 11
impressed on all the state standard weights, measures and beams,
and on the several county standard weights, measures and beams,
with such other device, in addition, as the said secretary shall
direct for each county, which device shall be recorded in the re- 12
cords of this state, and a copy thereof delivered by the secretary
to the assistant state sealer ; and the several town standard weights, 13
measures and beams shall be impressed by the county sealer, in
which such town shall be situate with such other device, in addi-
tion to the county device, as the board of supervisors shall direct
for the several towns in their several counties ; which several
town devices shall be recorded by the clerks of the several boards
of supervisors, in a book suitable for that purpose, and a copy of
such record delivered by said clerk to the county sealer : *Provid-* 14
ed nevertheless, That if any town shall neglect to appoint a town
sealer of weights and measures, then it shall be lawful for the
county sealer to seal all the weights, measures and beams belong-
ing to the inhabitants of such town so neglecting.

VI. *And be it further enacted*, That it shall be the duty of the 15
assistant state sealers to have their standard weights and measures
compared with the principal state standard once in fourteen
years ; and that the several county sealers shall have their stand- 16
ard weights and measures compared with one of the state stand-
ards once in seven years, and oftener if necessary ; and the sev- 17
eral town sealers shall have their town standards compared with
the county standard once in three years ; that before either of 18

the sealers of weights and measures, who shall be appointed by virtue of this act, shall enter on the duties of his office, he shall take and subscribe an oath or affirmation before one of the judges of the supreme court, court of common pleas or justice of the peace of the county wherein such sealer is resident, well and truly according to be best of his skill and ability to perform the duties by this act enjoined, and cause a certificate thereof to be filed in the secretary's office, or the office of county or town clerk as the case may be.

- 19 VII. *And be it further enacted*, That each of the sealers of weights and measures within this state, shall be entitled to receive for his service for sealing and marking beams or measures, which shall from time to time be brought to him for that purpose, twelve and an half cents ; and for every weight and every small liquid measure, two cents over and above his cost of making them right, if they are not so when brought to him for that purpose.
- 20 VIII. *And be it further enacted*, That so much of the act hereby amended as respects the appointment of sealers of weights, measures, fees and device, shall be and hereby is repealed, so far as respects the said western district.

Auction.

C H A P. LXV.

C O N T E N T S.

5. Act, when to take effect and how long to continue in force.
6. ----- Amended, 1st sect. except as hereby altered, to remain in force.
4. Auctioneers, how to make out their accounts of sales and duties.
1. Duties, rate of, on East-India goods sold at auction.---2. On West-India goods.---3. On wines and ardent spirits.

An ACT to amend an Act, entitled " An Act to regulate Sales by public Auction, and to prevent Stock-Jobbing."

Passed April 6th, 1804.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That instead of the duty to which the goods, wares, merchandizes and effects herein after named, and sold at auction or vendue in the city of New-York, are subject in and by the first section of the act, entitled " An act to regulate sales by public auction and to prevent stock-jobbing," such duties shall hereafter and during the continuance of this act, be as follows, that is to say : All goods, wares, merchandizes and effects whatsoever, of the growth or produce, or imported from the East-Indies, and which shall be sold in packages, bales, trunks or casks, as the same were imported, shall be subject to a duty of one dollar and fifty cents for every hundred dollars of the value at which the same shall be sold, and at and after the same

rate for any greater or less sum : And all goods, wares, merchan- 2
dizes and effects whatsoever, imported from the West-Indies, be-
ing the growth or produce thereof, and which shall be sold in pack-
ages, bales, casks or boxes, as the same were imported, shall be
subject to a duty at and after the rate of two dollars for every
hundred dollars of the price at which the same shall be sold,
which duties shall be paid as in and by the said act is directed :
And also, all wines and ardent spirits from whatever place the 3
same may be imported, if sold in casks or vessels as the same
were imported.

II. *And be it further enacted*, That it shall be the duty of the 4
auctioneers or vendue masters in stating their accounts of sales
and duties, to distinguish the different kinds of goods sold, as
far as the same are affected by this act, with the amount of sales
and duties on each head.

III. *And be it further enacted*, That this act shall take effect on 5
the first day of May next, and remain in force until the first day
of March, in the year one thousand eight hundred and six, and
no longer.

IV. *And be it further enacted*, That all the provisions in the 6
said first section of the act aforesaid, except so far as the same
are hereby altered, shall be and remain in full force as though
this act had not been passed.

Lottery.

C H A P. XX.

C O N T E N T S.

3. Lovett, John, when requested, to pay certain monies and effects to Solomon Southwick.
1. Southwick, Solomon, appointed a manager of the lotteries for the encouragement of literature...2. His powers and duties.

An ACT supplementary to the Act, entitled "An Act for the Encouragement of Literature."

Passed March 20th, 1804.

WHEREAS it appears that John Lovett, named in the said act, hath removed to, and now resides in, the state of Vermont; by reason whereof it is inexpedient that he should remain a manager of the lotteries directed in and by the said act: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Solomon Southwick, of the city of Albany, shall be and he is hereby appointed a manager of the said lotteries in the place and stead of the said John Lovett, who shall from henceforth cease to be a manager thereof; and that the said Solomon Southwick shall in all things have the like power and authority, and be subject to the like duties as are given to, and made obligatory on, the managers named in the 1.
2.

said act: *Provided nevertheless*, That the said Solomon Southwick, before he in any way takes upon himself the management of such lotteries, shall enter into such bond with such surety as is mentioned in the said act.

- 3 II. *And be it further enacted*, That it shall be the duty of the said John Lovett, whenever thereunto requested by the said Solomon Southwick, to pay and deliver unto the said Solomon Southwick all such sums of money, tickets, and other papers as he may have or be accountable for, relative to the said lottery; and that upon the said John Lovett's producing a full receipt for the same to him from the said Solomon Southwick, to the comptroller, it shall be the duty of the comptroller to receive and file such receipt, and deliver up the bond of the said John Lovett and his surety deposited in the comptroller's office, to be cancelled.

Schools.

C H A P. VII.

C O N T E N T S.

4. Leases, counterpart to be filed in the comptroller's office.
5. ----- Covenants to be contained therein.
2. Lessees to pay an annual rent into the Treasury.
7. ----- To pay certain expences.
6. Rents, on failure of payment, comptroller to make distress, &c.
1. Surveyor-General to lease 1000 acres of land to certain persons.
3. Treasurer to pay Schoolmasters in New-Stockbridge.

An ACT for the establishing of Schools in New-Stockbridge, for the Instruction of Indian Children.

Passed February 28th, 1804.

WHEREAS the Stockbridge Indians, by their petition presented to the legislature, have prayed, that one thousand acres of their lands be leased to John Gregg, junior, John Gregg, senior, and James Alexander, in fee, for the purpose of a school or schools for the education of Indian children in New-Stockbridge aforesaid: Therefore,

- 1 I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the surveyor-general be, and he is hereby required to lease unto the said John Gregg, junior, John Gregg, senior, and James Alexander, and to their respective heirs and assigns for ever, all that certain tract of land in New-Stockbridge aforesaid, beginning at the southeast corner thereof, and from thence running northwardly on the east line of New-Stockbridge aforesaid, one hundred and seventy-seven chains and seventy-eight links to a stake; from thence at right angles westwardly fifty-six chains and twenty-five links to a stake; thence at right angles southerly one hundred and seventy-seven chains and seventy-eight links to the south line of

New-Stockbridge aforesaid ; thence eastwardly on the south line above mentioned, fifty-six chains and twenty-five links to the place of beginning, in the following manner, that is to say : To lease unto the said John Gregg, junior, his heirs and assigns for ever, five hundred and forty-two acres and one hundred rods ; to the said John Gregg, senior, his heirs and assigns for ever, three hundred acres ; and to the said James Alexander his heirs and assigns for ever, one hundred and fifty-seven acres and sixty rods of the above described tract of land ; they the said John Gregg, junior, John Gregg, senior, and James Alexander, paying therefor, yearly and every year into the treasury of the state, at and after the rate of thirty bushels of good merchantable winter wheat, at the market price in the city of Albany, for every hundred acres so to be leased as aforesaid, on the first day of February in every year, the market price of which wheat shall annually be determined by the treasurer.

II. *And be it further enacted*, That it shall and may be lawful for the treasurer on the warrant of the comptroller, yearly and every year, to pay from the rents arising from the said lands so to be leased as aforesaid, to such schoolmaster or schoolmasters such sum or sums as shall be certified by the peace makers of New-Stockbridge, and their missionary, if any they shall have, to be due to such schoolmaster or schoolmasters for his or their services, in instructing Indian children in New-Stockbridge aforesaid, by previous agreement made with such schoolmaster or schoolmasters by the said peace makers.

III. *And be it further enacted*, That the counterparts of the said leases, executed by the lessees shall be lodged by the surveyor-general in the comptroller's office, in which leases there shall be a covenant to recover such rents as are specified in the said leases by distress and sale, and of re-entry after sixty days from the time such rents become due and remain unpaid.

IV. *And be it further enacted*, That it shall be the duty of the comptroller whenever the said rents shall become due and remain unpaid for sixty days, to make the distress and re-entry above mentioned ; and in case of such re-entry, the land on which such re-entry shall be made, shall be held in trust by this state for the use of the said Stockbridge Indians, for maintaining a school or schools for the instruction of Indian children in New-Stockbridge.

V. *And be it further enacted*, That the said John Gregg, junior, John Gregg, senior, and James Alexander, shall pay all such expenses as may be necessary to carry this law into effect.

Brothertown.

C H A P. LXXV.

CONTENTS.

5. Brothertown Lands, persons settling on, who have no right, how dealt with.

K

4. Fees, of Marshals of Brothertown, prescribed.
6. ----- of Judges, Sheriff, &c.
1. Indians residing in Brothertown, in what cases may devise by will.
2. ----- Their wills how executed and proved.
3. Keepers of the Peace, on making decree, in what case may cause the amount to be levied by distress and sale.
7. Superintendents, when to pay deficiencies of costs.

An ACT to alter and amend an Act, entitled "An Act relative to Indians."

Passed April 7th, 1804.

1. **I.** *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for any Indian residing in Brothertown, to whom any lands have been assigned, to give and bequeath by will, in writing, his personal estate ; also to give and devise any right, title or interest which he may acquire to any lands, except the lands set apart for the Brothertown Indians ; and every such will and devise shall be executed and proved as is directed by the act, entitled "An act to reduce the laws concerning wills into one statute," passed the 20th day of February, one thousand eight hundred and one, and be of the same validity as if made by any white person.*
3. *II. And be it further enacted, That whenever any order or decree is made by the keepers of the peace, it shall and may be lawful for the said keepers of the peace to cause the amount of such order or decree to be immediately levied by distress and sale of the goods and chattels of the person against whom such order or decree shall be made : Provided, The person in whose favor such order or decree is made shall make it appear to the satisfaction of the said keepers of the peace, by his own oath or the oath of any other person, that he will be in danger of losing the sum so decreed if delay of execution be allowed.*
4. *III. And be it further enacted, That the marshals of Brothertown shall be allowed for serving a summons or execution, mileage, for one mile twelve and a half cents, and for every mile more, six cents.*
5. *IV. And be it further enacted, That if any person shall come to reside in Brothertown who is not entitled to settle on lands in said town, it shall be the duty of the attorney of the Brothertown Indians to notify such person in writing to remove from said town ; and in case such person shall neglect to remove for the space of six days after receiving such notice, it shall and may be lawful for any judge of the court of common pleas in the county of Oneida, on application by the attorney of said Indians, to issue a summons commanding such person to appear before him on such day as he shall appoint, to shew cause why he should not be removed, which summons may be served by the sheriff, or any constable of the county of Oneida ; and if no satisfactory cause be shewn to the judge on the return of the summons, it shall be the duty of the judge to order such person to be removed, with his family and effects, if such person has a family ; and he shall*

further order and adjudge that such person shall pay such sum as he may deem necessary to defray the costs and expenses of the proceedings under this act, which sum shall be levied by distress and sale of the goods and chattels of the person against whom such order is made, and paid to the judge, to be by him paid to the attorney of the said Indians, after deducting the fees hereafter mentioned, and to be accounted for by the said attorney to the superintendents of said Indians; and the said judge who shall make the said order shall issue his warrant, directed to the sheriff, or any constable of the county of Oneida, commanding them to remove the person against whom such order is made, and to distrain and sell the goods and chattels of the said person to the amount of the sum adjudged for costs; and the said sheriff or constable, as the case may be, are required, without delay, to execute such warrant, and to make return to the judge who issued the same.

V. *And be it further enacted*, That the judge who performs the services required by this act, shall be allowed the following compensation, that is to say: For every summons, twenty-five cents; for every order, one dollar; for every warrant, twenty-five cents; and that the sheriff or constable who serves the summons, shall be allowed the same fees as are allowed to constables for serving a summons under the act, entitled "An act for the more speedy recovery of debts to the value of twenty-five dollars:" And that the officer who shall serve the warrant, shall be allowed such sum as the judge may deem proper; and in case there shall not be a sum sufficient collected of the person against whom the order is made to defray the expense of executing this act, then the same shall be paid by the superintendents of the said Indians, and charged to the account of Brothertown Indians.

Slaves.

C H A P. XL.

An ACT to repeal the tenth Section of the Act, entitled "An Act concerning Slaves and Servants," passed the 8th day of April, 1801, and for other Purposes.

Passed March 31st, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the tenth section of the act, entitled "An act concerning slaves and servants," passed the eighth day of April, one thousand eight hundred and one, be and the same is hereby repealed: *Provided*, That all children born of slaves which have been abandoned conformably to the said section of the act aforesaid, shall be provided for at the expense of this state, in the same manner as if this act had not passed.

II. *And be it further enacted*, That nothing in this act contained, shall be construed to prevent any person entitled to the ser-

vice of any child born of a slave, after the fourth day of July, in the year one thousand seven hundred and ninety-nine, or which may be born of any slave after the passing of this act, from abandoning any male child, after it shall arrive to the age of twenty-one years, and if a female, to the age of eighteen years: *Provided*, That the person entitled to such service shall at or immediately before such abandonment obtain a certificate, signed by the overseers of the poor of such city or town where such person shall reside, certifying, that such child, if a male, appears to be of the age of twenty-one years, and if a female of the age of eighteen years, and of sufficient ability to provide for himself or herself, and shall cause such certificate to be registered in the office of the clerk of such city or town.

Fishery.

C H A P. LXXIII.

An ACT to extend the Act, entitled "An Act for the Preservation of the Fishery in certain Waters," passed 3d of April, 1801, to the Waters herein mentioned.

Passed April 7th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the first, second and third sections of the act, entitled "An act for the preservation of the fishery in certain waters," passed the third day of April, one thousand eight hundred and one, shall be and the same is hereby extended to the following streams of water, viz. Oswego river, Grays river, Racket river, St. Regis river, Wood creek, Fish creek, and the different branches which empty into the said streams; and that every person who shall draw any seine, set any net, make any wire, or other obstructions, in the said waters, or shall make any dams so as to prevent the usual course of the salmon from going up the said streams, shall be subject to the same forfeitures as are prescribed in and by the act above recited.

II. *And be it further enacted*, That the owner or owners of any mill, or other dams, which have been erected across said streams, shall, on or before the first day of October next, alter the same in such manner as is directed in and by the third section of the act hereby extended, and that such owners shall be subject to the same penalties for neglect as are prescribed in and by the said third section.

Waters.

C H A P. LIV.

An ACT making Provision for improving the navigable Streams running through the County of Steuben.

Passed April 4th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful

for the supervisors of the county of Steuben, or a majority of them, at their annual meetings in the said county, to cause to be raised by tax in the same manner as money to defray the contingent charges of the counties in this state are by law directed to be levied and collected, such sum as they shall judge proper, not exceeding five hundred dollars in any one year, together with the legal charges for collecting and paying out the same, which sum shall be paid into the treasury of the said county, on or before the first day of February in every year; and the treasurer of the said county shall pay such sum on the order of Henry A. Townsend, James M'Burny and Benjamin Patterson, who are hereby appointed commissioners to receive said money and apply the same to the improvement of the navigable streams running through the said county of Steuben.

II. *And be it further enacted*, That the said commissioners shall, before they enter upon the execution of the duties enjoined on them by this act, severally give bond to the supervisors of the county of Steuben, and their successors in office, in the sum of one thousand dollars, with such sureties as the treasurer of the county of Steuben shall approve, conditioned for the faithful performance and discharge of the duties enjoined on them by this act, which bonds shall be deposited in the office of the said treasurer.

III. *And be it further enacted*, That the said commissioners shall account with the supervisors of the county of Steuben, for all monies by them received and expended by virtue of this act, on or before the first day of January in every year.

IV. *And be it further enacted*, That each of the said commissioners shall be entitled to receive out of the said monies, two dollars for each day they shall be necessarily employed in performing the duties enjoined on them by this act.

V. *And be it further enacted*, That this act shall be and continue in force from and after passing the same until the first day of August one thousand eight hundred and ten.

C H A P. LXVII.

C O N T E N T S.

3. Commissioners appointed for erecting a public building.
11. ----- To give bond.... 12. Account with the comptroller.
4. ----- For superintending the improvement of the navigation of Hudson river, in what sum to give bond... 13. In case of vacancy among, how filled.
6. Corporation of Albany, authorized to sell the court house.
7. ----- To whom to pay the monies produced by sale of c. house.
8. ----- Not to give possession of the court house until the state house be finished.
3. Literature, eighth section of the act for the encouragement of repealed.
1. Managers of Literature Lottery, authorized to raise an additional sum of money.
2. ----- To whom to pay the avails.
10. ----- Authorized to raise a further sum of money.
9. Supervisors, made their duty to raise two certain sums of money.

An ACT making Provision for improving Hudson's River, below the City of Albany, and for other Purposes.

Passed April 6th, 1804.

1 **I. BE** it enacted by the People of the State of New-York, represented in Senate and Assembly, That the managers of the lotteries directed in and by the act, entitled "An act for the encouragement of literature," shall, as soon as conveniently may be, and within two years after the drawing of the fourth of the said lotteries, proceed to raise by lottery the sum of twenty thousand
2 dollars, with the fees and charges allowed them by law; and shall forthwith, after the drawing of such lottery, pay the said sum of twenty thousand dollars to the persons named in the seventh section of the act, entitled "An act making further provision for improving the navigation between the villages of Troy and Waterford, and for other purposes," for the uses and purposes therein mentioned; and that the said lottery shall in all things be under the restrictions contained in the act first mentioned.

3 **II. And be it further enacted,** That the eighth section of the act herein first mentioned shall be and the same is hereby repealed;
4 and also that the bond required to be given by the commissioners aforesaid, shall be in the penal sum of twenty-five thousand dollars.

And whereas the situation of the present court house in the city of Albany is found by experience to be highly inconvenient for the transaction of public business, and the corporation of the said city having represented to the legislature that they are willing to appropriate a lot of ground on the public square of the said city, for the site of a public building for the accommodation of the legislature, and for a new city-hall, and have prayed that the present court house, and the lot used with the same, might be sold, and the proceeds thereof applied towards erecting and finishing such new state house: Therefore,

5 **III. Be it further enacted,** That John Tayler, Daniel Hale, Philip S. Van Rensselaer, Simeon De Witt and Nicholas N. Quackenbush be, and they are hereby appointed commissioners, for the erecting and completing a public building in the city of Albany, on a lot to be designated for such purpose, as is herein after mentioned, with sufficient and commodious apartments for the legislature, the council of appointment, the courts of justice, and for the common council of the said city, upon such construction
6 and plan as by them shall be judged proper.

7 **IV. And be it further enacted,** That it shall and may be lawful for the said corporation, and they are hereby required, as soon as conveniently may be after the passing of this act, to proceed to the sale of the present court house in the city of Albany, and the ground thereto appertaining, for the best price, and on the best terms they can procure for the same, and on such sale to convey the said house and ground to the purchaser or purchasers in fee simple; and that the monies arising from such sale shall be paid to the said commissioners, in such manner and at such time or times as they shall require the same, to be applied by them to-

wards effecting the object intended by this act : *Provided how-* 8
ever, That nothing herein contained shall be held or construed to
 authorize the said corporation so to sell and dispose of the pre-
 mises, as to admit the purchaser thereof to go into actual pos-
 session before the new state house shall be completed, until which
 time the present court house shall be occupied and appropriated
 as the same hath heretofore been done.

V. *And be it further enacted,* That the supervisors of the city 9
 and county of Albany, shall cause to be raised, levied and collected
 by a tax on the freeholders and inhabitants of the county of Al-
 bany, exclusive of the said city, three thousand dollars, and by a
 tax on the freeholders and inhabitants of the said city, a further
 sum of three thousand dollars ; which sums shall be raised, levied
 and collected in the same manner as the contingent charges of
 the said county are by law directed to be raised, levied and col-
 lected, which sums, when raised, shall be paid to the order of the
 said commissioners for the purposes aforesaid.

VI. *And be it further enacted,* That the managers of the lot- 10
 teries herein before mentioned, shall cause to be raised by lotte-
 ry the further sum of twelve thousand dollars, in such manner as
 they, or a majority of them, shall think proper, which sum, when
 raised, the said managers shall pay unto the said commissioners
 for the purposes aforesaid.

VII. *And be it further enacted,* That the said commissioners, 11
 before they take upon themselves the execution of the duties
 aforesaid, shall severally give bond to the people of this state in
 the penal sum of thirty thousand dollars, conditioned for the
 faithful discharge of the said duties, which bond shall be lodged
 with the comptroller ; and the said commissioners shall, from 12
 time to time, and once at least in every six months after the fil-
 ing of such bond, account with the comptroller for the monies to
 be received by them, or which shall be paid on their order.

VIII. *And be it further enacted,* That in case of the death or 13
 disability of all or either of the commissioners heretofore appoint-
 ed for superintending the improvement of the navigation of
 Hudson's river, below the city of Albany, it shall be the duty
 of the person administering the government of this state to ap-
 point other commissioners to fill up the vacancy or vacancies
 which may be occasioned by such death or disability ; and that
 the new commissioners, to be appointed by virtue of this act,
 shall have all the power and be liable to all the duties which the
 present commissioners are invested with, or may be liable to.

Ferries.

C H A P. LXVI.

C O N T E N T S.

6. Boats and Hands, number of, court of c. pleas, to determine.
1. Dock, H. V. Garden authorized to build one, and where.
2. ----- Not to be erected without consent of owners of the scite.
3. ----- How to be constructed and made, and when to be completed.
13. ----- If not finished within two years, grant to cease.

15. Dock, to be kept in repair under the direction of the court.
7. Ferriage, rates of, prescribed... 11. After the expiration of five years, to be regulated by court of c. pleas.
4. Ferry, when to be set up.
5. ----- Grant of, proviso respecting after 25 years.
10. ----- J. Dubois, jun. his right of maintaining one, not impaired.
13. ----- Grant of, to cease if dock is not completed in two years.
14. ----- Right of keeping, in whom to vest on certain conditions.
8. Penalty for exacting more than legal ferriage.
9. ----- For setting up a ferry within certain bounds.
12. ----- On grantee for wilful neglect.

An ACT granting to Henry Van Garden the exclusive Right to Ferry on the west Side of the Hudson River at the Village of Catskill.

Passed April 6th, 1804.

WHEREAS Henry Van Garden, by his petition presented to the legislature, has prayed for an exclusive right to ferry on the west side of Hudson's river, at the village of Catskill, and for two miles above and below where said ferry is now kept at the village aforesaid, on the condition that he the said Henry Van Garden should erect a dock for the purpose of shortening said ferry, and improving the navigation of the Catskill creek, and it appearing that the erection of such a dock will prove of great public utility : Therefore,

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the said Henry Van Garden, his heirs or assigns, to build and erect a dock from high water mark, at or near where the Suffquehannah turnpike road strikes the western shore of the Hudson river, to the channel of the said river, and as near as may be in the direction of the said road where it so strikes the said shore, upon his the said Henry Van Garden's first obtaining the consent and approbation of the person or persons owning the right of soil thereto, which said dock shall not be less than thirty feet wide, built in a substantial and workmanlike manner, and made so as to afford a convenient road for the passing of carriages of every kind, and shall be a public highway, with a good and convenient ferry stairs at the end of said dock, and shall be completed at the end of two years from the passing of this act.
4. *II. And be it further enacted,* That as soon as such dock and ferry stairs shall, by the judges of the court of common pleas of the county of Greene, or a majority of them, be declared to be completed as aforesaid, it shall and may be lawful to and for the said Henry Van Garden, his heirs and assigns, to set up, keep and maintain a ferry across the Hudson's river, from the ferry stairs at the end of the said dock, to any public landing place on the eastern shore of said river, for ever : *Provided nevertheless,*
5. That at and after the expiration of twenty-five years from the passing of this act, it shall and may be lawful for the legislature of this state to put an end to the grant hereby made to Henry Van Garden, his heirs and assigns, and to reassume to themselves the rights hereby granted as aforesaid, by causing the said

value of said dock to be paid unto the said Henry Van Garden, his heirs and assigns, in such manner as is provided in and by the eighth section of this act.

III. *And be it further enacted*, That the said Henry Van Garden, his heirs and assigns, shall keep, support and maintain such a number of good and sufficient ferry boats and men as the court of common pleas of the county of Greene shall annually at their May term declare to be necessary for the public accommodation, and ready at all reasonable times and seasons to transport passengers and their effects; and whenever the said court of common pleas shall declare an additional number of boats or men to be necessary, the said Henry Van Garden, his heirs or assigns, shall procure them in such reasonable time as the said court shall direct: And the said Henry Van Garden, his heirs and assigns, shall be entitled to the following rates or prices of ferriage at the ferry aforesaid, that is to say: For every loaded waggon with two horses and driver, fifty cents; for every empty waggon with two horses and driver, forty cents; for every riding chair with horse and driver, twenty-five cents; for every one horse chaise and driver, twenty-five cents; for every man and horse, fifteen cents; for every footman, six cents; for every loaded cart with one yoke of oxen and driver, fifty cents; for every empty cart with one yoke of oxen and driver, forty cents; for every yoke of oxen and driver, nineteen cents; for all neat cattle per head, six cents; for every calf, hog, sheep or lamb, two cents; for every horse, mare or gelding, nine cents; for every empty pipe or hoghead, two cents; for every empty barrel or cask, one cent; for every bushel of wheat, rye, salt or any other article sold by the bushel, one cent; for every thousand shingles, twelve and an half cents; for every thousand feet of joist or scantling, fifty cents; for every thousand feet of boards, fifty cents; for every barrel of flour, cider or spirits, five cents; for every hoghead of cider, spirits, &c. nineteen cents; for every four wheeled carriage, thirty-one cents, and for every two wheeled carriage, nineteen cents.

IV. *And be it further enacted*, That if the above named Henry Van Garden, his heirs and assigns, or any ferryman employed by him or them, or either of them, shall take, exact or receive any greater or higher rates for transporting persons, goods and chattels, or other things whatsoever, than are herein before limited and established, he or they, or any of them so offending, shall forfeit and pay for every such offence, the sum of twenty-five dollars, to be recovered in any court within this state having cognizance of the same, by any person who will sue therefor.

V. *And be it further enacted*, That if any person or persons, shall, after the said dock and ferry stairs shall be declared to be completed as aforesaid, set up, keep or maintain a ferry, or shall carry or transport any person or persons, goods or chattels, for hire or pay, across the Hudson's river, in the distance of one mile below and one mile above said dock, to be calculated from the middle of said dock, other than the said Henry Van Garden, his heirs and assigns, such person or persons shall, for every such

offence, forfeit the sum of twenty-five dollars, to be recovered in any court within this state having cognizance thereof, by any person who will sue for the same: *Provided always*, That nothing herein before contained shall be construed to exclude any person or persons living within the distance aforesaid from the said ferry, from the right of carrying and transporting themselves and their goods and chattels respectively, in their own boats, without paying any rate of ferriage; *And provided also*, That nothing herein before contained shall prevent or take away the right of John Dubois, jun. his heirs or assigns, to set up, keep and maintain a ferry across the said Hudson's river, from the lands of the said John Dubois, junior, on the south side of the Catskill creek, or in any wise to affect or take away the right of ferriage from the east side of said river, opposite the said village of Catskill, of any ferry or ferries already established.

11 VI. *And be it further enacted*, That the said Henry Van Garden, his heirs and assigns, shall continue to receive the rates of ferriage aforesaid, for and during the term of five years from the completion of said dock; and that thereafter the rates of ferriage at said ferry shall be regulated by the court of common pleas of the county of Greene, in the manner as is provided in and by the act, entitled "An act to regulate ferries within this state."

12 VII. *And be it further enacted*, That whenever it shall appear, upon sufficient evidence, to the court of common pleas of the county of Greene, at any of their stated terms, that the said Henry Van Garden, his heirs or assigns, shall wilfully neglect to comply with the directions of this act in keeping the ferry aforesaid, it shall and may be lawful for the said court to impose a fine on the said Henry Van Garden, his heirs or assigns, who shall so wilfully neglect as aforesaid to comply with the directions of this act as aforesaid, in any sum not exceeding twenty-five dollars, to be levied and made of the goods and chattels, lands and tenements of the person or persons so fined, which, when collected, shall be paid to the treasurer of the county of Greene, and appropriated by the supervisors of the said county for the improvement of roads in said county, in such manner as they shall deem fit: *Provided*, That if the said Henry Van Garden, his heirs or assigns, shall not, within two years from the passing of this act, complete the dock aforesaid, according to the true intent and meaning thereof, then this act shall cease, be void and of no effect.

14 VIII. *And be it further enacted*, That if any person or persons who do or may claim, adverse to the owners from whom the said Henry Van Garden, his heirs and assigns, shall obtain consent as aforesaid to build such dock as aforesaid, shall hereafter substantiate such claim, that then the person or persons thus substantiating his, her or their claim to the land on which said dock shall be built, shall, upon refunding to the said Henry Van Garden, his heirs and assigns, the fair value of such dock, be entitled to all the rights and privileges granted by this act to the said Henry Van Garden; and in order to ascertain the value thereof (pro-

vided the parties cannot agree upon the same) it shall be settled by three substantial freeholders not interested in the question, to be appointed by a judge of the supreme court, the party applying first having given a reasonable notice of the time and place when and where such appointment shall be made : *Provided always*, That nothing in this act contained shall in any wise impair or affect any existing right of any person or persons whomsoever to any land on the shore of the said river, or any right which such person or persons now have, or may hereafter acquire under any laws of this state, to the lands under the waters of the said river, opposite to the said shore.

IX. *And be it further enacted*, That the said Henry Van Garden, his heirs and assigns, shall keep the said dock and ferry stairs in good repair under the directions of the said court of common pleas of the said county of Greene during the continuance of this act ; and in case the said Henry Van Garden, his heirs or assigns, shall refuse or neglect to keep said dock and ferry stairs in good repair as aforesaid, he shall be subject to such fines or penalties as the said court shall, from time to time, order or adjudge.

C H A P. LXXVII.

C O N T E N T S.

5. Boats and Men, court of common pleas to direct the number.
1. Canal, where and how to be cut and opened.
2. To be completed in two years.
10. Unless completed within two years, this act to cease.
11. Grantee to keep it sufficiently cleared for passage of boats.
16. Directions respecting the opening of.
6. Ferriage, rates of, how regulated.
3. Ferry, when authorized to be established.
4. Term for which granted.
12. Hudson, corporation of, allowed to make half the canal.... 13. And to keep it open.
7. Penalty on grantee and ferrymen for exacting more than legal toll.
8. For establishing a ferry at certain places.
- 9, 15. ... On grantee for wilful neglect of duty under this act.
14. On corporation of Hudson for neglecting to keep open canal.
17. On persons other than grantee for ferrying from Hudson to certain places.

An ACT granting to Timothy Bunker the exclusive Privilege to Ferry on the west Side of the Hudson's River, at the Village of Athens in the County of Greene, for the Term of five Years.

Passed April 7th, 1804.

WHEREAS the crossing of Hudson's river from the city of Hudson to the village of Athens, in the county of Greene, with ferry-boats, is very much obstructed at low water by reason of a flat in said river : *And whereas* Timothy Bunker, of the village of Athens, has, by his petition presented to the legislature, prayed for an exclusive privilege to ferry from the west side of

Hudson's river, at the termination of Ferry-street, in the said village of Athens, for five years, on the condition that he the said Timothy Bunker shall open a canal or channel through the said flat, opposite the said city of Hudson; and it appearing that the opening of such canal or channel will prove of great public utility: Therefore,

- 1 I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the said Timothy Bunker, or his assigns, to cut and open a canal or channel through the flat in the Hudson's river, opposite to the city of Hudson, from the channel of the said river, east of said flat opposite to the village of Athens in the county of Greene, and opposite the termination of the second or Ferry-street, on
2 the west side of the said river, which said canal or channel shall not be less than twenty feet wide nor less than twenty inches deep, and shall be made in such manner so as to afford a sufficiency of water that ferry boats may at all times pass through the said canal or channel at the lowest common tides in said river, and shall be completed within two years.
- 3 II. *And be it further enacted,* That as soon as such canal or channel shall by three reputable persons, not interested in the same, to be appointed by the court of common pleas of the county of Columbia for that purpose, or any two of them attending for the said purpose, be declared to be completed as aforesaid, it shall and may be lawful for the said Timothy Bunker, or his assigns, to set up, keep and maintain a ferry across the Hudson's river from the west side of the said river at Athens, at the termination of Ferry-street, to any public landing place or ferry
4 stairs on the east side of said river, at the city of Hudson, for the term of five years from the passing of this act.
- 5 III. *And be it further enacted,* That the said Timothy Bunker, or his assigns, shall keep, support and maintain such a number of good and sufficient ferry boats and men as the court of common pleas of the said county of Greene shall annually, at their May term declare to be necessary for the public accommodation, and ready at all reasonable times and seasons to transport passengers and their effects; and whenever the said court of common pleas shall declare an additional number of boats or men to be necessary, the said Timothy Bunker, or his assigns, shall procure them in such reasonable time as the said court shall direct;
6 and the said Timothy Bunker shall be entitled to such rates or prices of ferriage as shall from time to time be established by the said court of common pleas of the county of Greene.
- 7 IV. *And be it further enacted,* That if the above named Timothy Bunker, or his assigns, or any ferryman employed by him or them, or either of them, shall take, exact or receive any greater or higher rates or prices of ferriage for transporting persons, goods or chattels, or other things whatsoever, than shall from time to time be established by the said court of common pleas of the county of Greene, he, they or any of them so offending shall forfeit and pay, for every such offence, the sum of twenty-five dollars, to be recovered in any court within this state hav-

ing cognizance of the same, by any person who will sue therefor.

V. *And be it further enacted*, That if any person or persons shall, after the said canal or channel be declared to be completed as aforesaid, set up, keep or maintain a ferry on the west side of the said Hudson's river, at the village of Athens aforesaid, Esperanza or Lunenburg, in the county of Greene, for the purpose of transporting any person or persons, goods or chattels, for hire or pay, from the said village of Athens, Esperanza or Lunenburg, across the Hudson's river, through the said canal or channel, other than the said Timothy Bunker or his successors, such person or persons shall for every such offence, forfeit the sum of twenty dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same: *Provided always*, That nothing herein contained shall be construed to exclude any person or persons from the right of carrying and transporting themselves and their goods and chattels respectively, in their own boats.

VI. *And be it further enacted*, That whenever it shall appear upon sufficient evidence to the court of common pleas of the county of Greene, at any of the stated terms of said court, that the said Timothy Bunker, or his successors, shall wilfully neglect to comply with the directions of this act, in keeping the ferry aforesaid, it shall and may be lawful for the said court to impose a fine on the said Timothy, or his assigns, who shall so wilfully neglect as aforesaid, to comply with the directions of this act as aforesaid, in any sum not exceeding twenty-five dollars, to be levied and made of the goods and chattels, lands and tenements of the person or persons so fined, which when collected shall be paid to the treasurer of the county of Greene, and appropriated by the supervisors of the said county, for the improvement of roads in said county in such manner as they shall deem fit: *Provided*, That if the said Timothy, or his assigns, shall not, within two years from the passing of this act, complete the canal or channel aforesaid, according to the true intent and meaning thereof, then this act shall cease, be void and of no effect.

VII. *And be it further enacted*, That the said Timothy Bunker, or his assigns, shall, during the continuance of this act, keep the said canal or channel open and sufficiently cleared out, so as to afford a sufficiency of water, that ferry boats may at all times in the season of ferrying pass through the same at the lowest common tides in the said river and in case the said Timothy Bunker or his assigns, shall refuse or neglect to keep the said canal or channel open and sufficiently cleared out as aforesaid, he or they, shall be subject to such fines or penalties, as the said court of common pleas of the said county of Greene, may from time to time order and adjudge.

VIII. *And be it further enacted*, That in case the corporation of the city of Hudson, shall, at any time within three months after the passing of this act, signify their intention to the said Timothy Bunker to make, cut and open the one half of the canal or chan-

- nel, through the flat aforesaid, and in manner aforesaid, to be made and completed as is mentioned in the first and second sections of this act, then and in that case the said corporation shall make and open such half of the said canal or channel as shall be agreed upon between the said corporation and the said Timothy, and to be approved of by three reputable persons not interested in the same, to be appointed by the court of common pleas of the county of Columbia for that purpose, or any two of them, attending for the said purpose : And the said corporation shall, during the continuance of this act, keep their one half of the said canal or channel open and cleared out as is mentioned in the seventh section of this act, to be kept open and sufficiently cleared out by the said Timothy ; and in case of neglect or refusal they shall be subject to such fines or penalties as the court of common pleas of the county of Columbia, may from time to time order and adjudge ; and further, that in case the said corporation of the said city of Hudson, shall within the time aforesaid, have signified their intention as aforesaid, and the said corporation shall have agreed with the said Timothy Bunker, or his assigns, on the one half they are to make of the said canal or channel, then and in such case the said Timothy Bunker shall proceed to make the other half, and complete the same in such manner, and within such time as is mentioned in the first and second sections of this act ; and in case the said Timothy shall neglect or refuse to keep his half of the canal or channel open and cleared out, as mentioned in the seventh section of this act, he shall be subject to such fines or penalties as the court of common pleas of the county of Greene, may from time to time order and adjudge.
- 16 IX. *And be it further enacted*, That in case the said corporation of the city of Hudson, shall not within three months from the passing of this act, signify their intention to the said Timothy Bunker, or his assigns, to make, cut and open the one half of the said canal or channel, in the manner aforesaid, then the said Timothy Bunker, or his assigns, shall proceed to cut and open the said canal or channel, in the same manner as is mentioned
- 17 in the first section of this act : And further, that if any person or persons shall, after the said canal or channel, to be made, cut and opened by the said Timothy Bunker, be declared to be completed as aforesaid, carry or transport any person or persons, goods or chattels, for hire or pay from the said city of Hudson, across the Hudson river, through the said canal or channel, to the village of Athens, Esperanza or Lunenburgh, in the county of Greene, other than the said Timothy Bunker, or his assigns, such person or persons shall be subject to such fines or penalties as is mentioned in the fifth section of this act, and to be recovered and collected in the same manner as directed in the said fifth section, any thing in this act herein before contained to the contrary notwithstanding.

Dams.

C H A P. IX.

An ACT to authorize Thomas Shankland to build a Dam across the Susquehannah River, near Cooperstown.

Passed February 28th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for Thomas Shankland and his heirs, to build and maintain a rolling dam across the Susquehannah river, at the head of his raceway, where he turns the waters of the Susquehannah river to his grist-mill, near Cooperstown, not exceeding two feet high from the bottom of the river, the lower side from the ridge not less than twelve feet wide : *And further*, It shall be lawful for the said Shankland, his heirs and assigns, from and after the fifteenth day of June in each year, to set a plank or board on said dam not more than one foot wide, to save water, if he shall think it necessary, which said plank or board may remain so set up until the first day of March next thereafter in each year, and no longer.

II. *And be it further enacted*, That the said Shankland shall make and keep in good repair, a good, sufficient and convenient lock through his dam, at his mills, for boats to pass up his raceway into lake Otsego : said lock to be made at such time and in such manner as shall be ordered and directed by the court of common pleas of the county of Otsego ; and permit boats to pass up and down said race through said lock free of cost, any law, usage or custom to the contrary notwithstanding. *Provided always*, That this act shall be and remain in force during the term of seven years, and no longer.

C H A P. XLIII.

An ACT to authorize John Bleecker and Gerret Peebles to erect a Dam on the Hudson River.

Passed April 3d, 1804.

WHEREAS it is represented to this legislature by the petition of a number of the inhabitants of the counties of Washington and Saratoga, who state that they are interested in the lumber and rafting business, and that a mill dam might be erected on the east side of the Hudson river, at Fort Miller falls, so constructed as to render rafting over said falls less difficult, and be of public utility, and have prayed that the erecting such dam may be authorized by law : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for John Bleecker and Gerret Peebles, their respective heirs and assigns, to erect a dam on the east side of the Hudson river, on Fort Miller falls, in the town of Argyle, in the county of Wash-

ington, on the place where their dam lately stood : *Provided nevertheless*, That it shall not be lawful for the said John Bleecker and Gerret Peebles, their respective heirs or assigns, or either of them, to extend such dam so far into said river from the east bank as the late dam extended, by thirty feet.

Commons.

C H A P. X.

An ACT concerning the Commons of Oysterbay in Queens County.

Passed February 28th, 1804.

WHEREAS there are situated in the south part of the town of Oysterbay, in Queens county, certain tracts, consisting of beaches, marshes, meadows, bays and runs of water, which said tracts the inhabitants of the said town have long claimed as their commons : *And whereas*, there are certain individuals, principally of the same town, who have assumed to claim the same as their private property, and considerable sums of money have been expended in law respecting the premises : *And whereas*, the contending parties have, in their joint petition to the legislature, bearing date the nineteenth day of November, one thousand eight hundred and three, prayed legislative provision therein : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the supervisors of the county of Queens, at their next annual meeting, to be held in and for the said county, and they are hereby directed, to cause to be raised, levied and collected, by tax, on the freeholders and inhabitants of the said town of Oysterbay, in the same manner that money is raised, levied and collected for the support of the poor, the sum of two thousand seven hundred dollars, to be paid into the hands of Jacob Van Wickler, Stephen Frost, Abraham Monfoort, Nathaniel Coles, junior, Isaac Smith, John Fleet, and John Cushman, junior, or a majority of them, on or before the first Monday in January next, by them to be applied for extinguishing the said private claims.

II. *And be it further enacted*, That all conveyances to be taken for the premises aforesaid, in pursuance of this act, shall be taken in the name of the supervisor of the town of Oysterbay and his successors in office, and shall be held in trust by him and them for the use of the freeholders and inhabitants of the said town.

III. *And be it further enacted*, That the surplus money, if any there shall be, after extinguishing the said claims and paying the incidental charges, shall be paid into the hands of the overseers of the poor of the said town, for the use of the poor thereof.

Meadows.

C H A P. XIII.

C O N T E N T S.

3. Commissioners, how chosen.
4. ----- Their duties and powers---8, 9, 13, 15, 16. Further duties.
- 5, 7. ----- May prosecute for monies assessed.
16. ----- How to bring action.
12. Damages which may be sustained, how ascertained and paid.
2. Expense of draining, sum to be raised for defraying.
6. ----- Of scouring, &c. how defrayed.
14. Forfeitures for certain offences, how recovered.
1. Inspectors for determining the proportion for each proprietor to pay, &c. named.
10. Line Ditches, persons wishing such, how to proceed.
11. ----- How to be made.

An ACT making Provision for draining a certain Tract of Swamp Land and Bog Meadow, in the Towns of Stanford and Northeast, in the County of Dutchess.

Passed February 28th, 1804.

WHEREAS there is a certain tract of swamp and bog meadow in the towns of Stanford and Northeast, in the county of Dutchess, owned by Caleb Husted, Israel Lewis, Daniel Lewis, Ebenezer Husted, Silas Husted, Peter Husted and others, inhabitants of the said towns, which is so far overflowed with water as to render the same unfit for agricultural purposes : And whereas the proprietors of the said swamp and bog meadow conceive the same may be made fit for the culture of hemp, grass and pasture : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That* Jesse Thompson, Isaac Hunting and Jeremiah Sherril, or any two of them, or the survivors or survivor of them, shall be inspectors finally to settle and determine the number of acres of swamp and bog meadow, belonging to each proprietor or occupant in said tract, which may in their opinion be benefitted by ditching the same, and the proportion each proprietor shall pay of the sum herein after mentioned, and for the purposes herein after mentioned ; which settlement and determination shall be delivered in writing to the commissioners to be chosen as herein after directed and prescribed.

II. *And be it further enacted, That* for the purpose of draining the said swamp and bog meadow the sum of fifteen hundred dollars shall be paid by the proprietors and occupants thereof, in the proportion they shall be respectively assessed as aforesaid by the said inspectors, within three months after such assessment as aforesaid shall have been made and completed, to three commissioners, who shall be chosen by the proprietors of said swamp or bog meadow in manner following, to wit : The said proprietors shall meet on the first Tuesday of May next, at the dwelling house of Ebenezer Husted, in the said town of Stanford, and then

- and there by ballot proceed to elect three persons for commissioners, those who shall have the greatest number of votes to be commissioners for the ensuing year : That on the first Tuesday of May in every year thereafter, the said proprietors shall meet at the place aforesaid, or at such other place in either of the said towns of Northeast or Stanford, as the majority of the said proprietors for the time being shall have previously agreed on or adjourned to, for the purpose of making such election of commissioners ; that each person holding two acres of said swamp land, shall be entitled to one vote at every such election for commissioners, and for every two acres more so held by any such proprietor, he shall have one vote, provided that no person shall be entitled to a greater number than twenty-five votes at such elections ;
- 4 that the said monies, so as aforesaid to be paid to the said commissioners, shall be applied by them towards paying all incidental charges that shall arise in or about the business of draining said swamp or bog meadow, in such manner as they or a majority of them shall think proper, who are hereby fully authorized and empowered to cut or cause to be cut one or more main ditch or ditches through the said swamp, in such manner and in such direction as to the said commissioners or a majority of them shall appear best calculated to carry the intentions of this act into effect.
- 5 III. *And be it further enacted*, That in case any person assessed as aforesaid, shall neglect or refuse to pay the monies or any part thereof, so as aforesaid made payable by him for the purpose aforesaid, to the commissioners or either of them to be elected as aforesaid, within the time above limited, it shall and may be lawful for the said commissioners or the survivors of them, to sue for and recover the same with interest and costs of suit, in an action of debt, in any court in this state having cognizance of such amount.
- 6 IV. *And be it further enacted*, That for the defraying the expense of clearing and scouring such main ditch or ditches as shall be made by the direction of said commissioners for draining said swamp or bog meadow, from time to time, the proprietors or occupants thereof for the time being shall after the first day of May, in the year one thousand eight hundred and seven, pay to the said commissioners on or before the first Monday in July, in each year, such annual sum, not exceeding ten cents per acre of said swamp or meadow, as a majority of said proprietors or occupants at their annual meeting on the first Tuesday in May,
- 7 in each year, shall think proper to raise ; and in case any proprietor or occupant shall neglect to pay annually on the first day of July such sum not exceeding ten cents per acre of the said swamp or meadow, the commissioners for the time being shall be and hereby are authorized and empowered to sue for and recover the same, in an action of debt, before any justice of the peace in the said county, with interest and costs of suit, which said commissioners shall apply the money, or such part thereof as they may deem proper, to the clearing and scouring said ditch or ditches.

V. *And be it further enacted*, That it shall and hereby is 8
made the duty of the respective commissioners, to be annually
elected as aforesaid, to render an account of all the expenditures
of said monies to the said proprietors or occupants at their an-
nual meeting on the first Tuesday in May, and they shall then 9
deliver the monies (if any) and their accounts and papers in re-
lation to their trust and duty to the commissioners who shall
have been elected to succeed them.

VI. *And be it further enacted*, That any proprietor or occu- 10
pant in said swamp or bog meadow, who shall be desirous of having
one or more line ditch or ditches made, to give at least thirty
days notice of his or her said intention to the person or persons
owning or possessing the part or parts adjoining to his or her
lands, and if after such notice, any person or persons so notified,
shall neglect or refuse to make one equal half part of such line
ditch or ditches, it shall and may be lawful for the person so giv-
ing notice, to make such ditch or ditches, and to sue for and re-
cover from the party or parties neglecting or refusing to make
his or her proportion thereof, the whole expense of making such
proportion with interest and costs in an action of debt before any
justice of the peace of the said county.

VII. *And be it further enacted*, That all line ditches to be 11
made in pursuance of this act, shall be cut five feet wide, and
four feet deep, unless the parties owning the lands on each side
thereof shall otherwise agree.

VIII. *And be it further enacted*, That in case the said com- 12
missioners shall find it necessary to continue such ditch or ditch-
es, to be made in pursuance of this act, over lands adjoining the
said tract of swamp or bog meadow for the purpose of draining
the same more effectually, they, or any two of them, are hereby
authorized to compound, agree and settle with the owner or own-
ers of said lands for such privilege as in their opinion shall be
reasonable, and to pay such sum or sums as shall be agreed on,
out of the said sum of fifteen hundred dollars, or such other mo-
nies in their hands, or which shall be raised for the purpose of
ditching said swamp or bog meadow; and if they do not agree
as aforesaid, the judges of the court of common pleas of said
county, not interested in the premises, or a majority of them, on
application made to them by the said commissioners for that
purpose, shall be and are hereby authorized and required to ap-
point three reputable freeholders in said county, not interested
in the said lands, to appraise and ascertain what compensation,
if any, the owner or owners of such lands shall be reasonably en-
titled to for the privilege of ditching or draining said swamp or
bog meadow through his land; and if the said commissioners, or
a majority of them, shall think proper to pay such appraisement
to the owner or owners of such land, it shall and may be lawful
for them, upon paying the same, to proceed to ditch, or direct
the cutting such ditch or ditches as they may deem proper and
necessary for the purposes aforesaid, any law to the contrary not-
withstanding.

IX. *And be it further enacted*, That it shall and may be law- 13

ful for the said commissioners to carry the said main ditch into, at or near the outlet of the Stifink pond, lying at the head of said swamp or bog meadow, and to erect a dam at the outlet of the said pond at the head of said ditch, so as to raise and keep the water in the said pond to its natural height in floods and freshets; and it shall and may be lawful, and hereby is made the duty of the said commissioners, gradually to drain the water out of the said pond in the dry seasons of the year, as low as the said ditch will drain the said pond, and again to shut the said dam in times of floods and freshets, so as to raise the water in the said pond to its natural elevation, and to keep the said dam in perpetual repair for the purposes aforesaid.

- 14 X. *And be it further enacted*, That if any person or persons shall break down or destroy said dam, or raise the flood gate thereof so as to let out the waters in said pond, without the consent of the commissioners, or one of them, he shall forfeit and pay the sum of two hundred dollars to the commissioners for the time being, which they shall be, and hereby are, authorized and empowered to sue for and recover, with costs of suit, in any court having cognizance of the same, and to apply the one half of the money so recovered for the purposes contemplated in this act, and the other half to the support of the poor of the towns of Northeast and Stanford in equal proportions.
- 15 XI. *And be it further enacted*, That where any part of the said swamp or bog meadow, owned by any person, shall not adjoin to the said main ditch, it shall and may be lawful for the said commissioners, upon the application of such owner or proprietor, to lay out and cut a ditch from such lands in the most convenient direction to the main ditch so to be made as aforesaid, through any person's land in said tract of swamp lands.
- 16 XII. *And be it further enacted*, That in every action to be brought by the commissioners in pursuance of this act, it shall and may be lawful for them to commence and prosecute the same by the name and stile of the commissioners for ditching and draining the swamp and bog meadow lying in the towns of Stanford and Northeast, in the county of Dutchess, below the outlet of a lake near the Stifink mountain.

C H A P. XXI.

C O N T E N T S.

3. Commissioners named for applying monies in draining.
4. ----- Authorized to collect monies assessed.
2. Expense of draining, monies to defray, how apportioned and paid.
5. ----- Of scouring ditches, monies to defray, how raised.
10. ----- Of draining, an additional sum to defray, may be raised.
1. Inspectors named, for determining the proportions of each proprietor.
8. Line Ditches, persons wishing such, how to proceed.
9. ----- How to be made.
6. Treasurer may prosecute for monies to scour ditches.
7. ----- How to apply monies and how to account.

An ACT for draining a certain Swamp and Bog Meadow in the County of Rockland.

Passed March 20th, 1804.

WHEREAS there is a certain tract of swamp and bog meadow in the towns of Hempstead and Haverstraw, in the county of Rockland, owned by Benjamin Coe, Isaac Conklin, Benjamin Secor, Samuel W. Coe, Jonah Odell, and others, proprietors of said swamp, which is so far overflowed or drowned as to render the same unfit for agricultural purposes: *And whereas* the said proprietors of the said swamp and bog meadow conceive the same may be made fit for the culture of hemp, mowing and pasturage: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That John D. Coe, Halsted Gurnee, and John Knapp, or any two of them, or the survivors or survivor of them, shall be inspectors to finally settle and determine the number of acres of swamp and bog meadow belonging to each proprietor or occupant in said tract which may, in their opinion, be benefitted by draining or ditching the same, which settlement and determination shall be delivered in writing to the treasurer hereafter to be chosen by virtue of this act. 1

II. *And be it further enacted,* That for the purpose of draining the said swamp and bog meadow, a sum not exceeding three hundred dollars shall be paid by the proprietors and occupants thereof, in proportion to the number of acres they respectively own and possess, and that will be benefitted thereby, as settled by said inspectors, which sum shall be paid to Benjamin Coe, Samuel W. Coe and Jonah Odell, commissioners, to be by them applied in paying all incidental charges that shall arise in or about the business of draining said swamp or bog meadow, in such manner as they, or a majority of them, may think proper, by cutting or causing to be cut, one or more main ditch or ditches in such manner and in such direction as to the said commissioners, or a majority of them, shall appear best calculated to carry the design of this act into effect. 2 3

III. *And be it further enacted,* That each proprietor or occupant shall, within one month after the said inspectors have settled and determined the respective proportions of the said sum, not exceeding three hundred dollars as aforesaid, pay the same to the said commissioners or either of them; and in default thereof it shall be lawful for the said commissioners or either of them, to recover the same by action of debt in any court have cognizance thereof, with interest and costs of suit. 4

IV. *And be it further enacted,* That for the defraying the expense of clearing and scouring such main ditch or ditches as shall be made by the direction of the said commissioners for draining said swamp or bog meadow, the proprietors or occupants thereof for the time being, shall, for every acre, as settled by the said inspectors, pay such sum annually, not exceeding six cents, if a majority of them at their annual meeting shall think proper, to be computed from the first day of January, one thousand eight 5

hundred and six, on or before the first Tuesday of May in every year thereafter, to the treasurer to be chosen annually, by a majority of said proprietors, who shall meet on the first Tuesday in January for that purpose, at the dwelling house now occupied by Benjamin Coe, one of the said proprietors; and in case any proprietor or occupant shall neglect to pay annually, on the first Tuesday of May, such sum, not exceeding six cents per acre, as settled by the said inspectors as aforesaid, the treasurer for the time being may sue for and recover the same before any justice of the peace in the said county, with interest and costs of suit, which treasurer shall apply the money, or such part thereof as he may deem necessary, in clearing and scouring said ditch or ditches, who shall also render an account of the expenditure of said monies to the proprietors or occupants so met as aforesaid; and the monies (if any) the papers and accounts respecting said swamp or bog meadow, he shall then deliver to the treasurer who may be chosen to succeed him.

V. *And be it further enacted*, That any proprietor or occupant who shall be desirous of having one or more line ditch or ditches made, shall give at least thirty days notice of his or her intention to the person or persons owning or possessing the part or parts adjoining; and if, after such notice, any person or persons shall neglect or refuse to make one equal half part of such line ditch or ditches, the person so giving notice may proceed to dig such ditch or ditches, and may sue the other party or parties respectively, for the one half of the expense thereof, before any justice of the peace of said county, in an action on the case, and recover and receive the same, with interest and costs of suit.

VI. *And be it further enacted*, That all line ditches as aforesaid shall be cut four feet wide and two and an half feet deep, unless the parties interested shall otherwise determine and agree.

VII. *And be it further enacted*, That in case the said sum of three hundred dollars shall not be sufficient for draining said swamp or bog meadow agreeable to the directions of this act, such further sum, not exceeding two hundred dollars, shall be raised, as a majority of the proprietors shall think proper, which further sum shall be paid to the said commissioners by the respective proprietors in the same proportion as the three hundred dollars are to be paid.

C H A P. XCI.

C O N T E N T S.

21. Act declared a public act.
17. Commissioners may be elected to act in place of the inspectors.
11. Ditches, expense of scouring, how borne.
12. Election, of treasurer and commissioners, how notified.
18. Fees for the inspectors, &c. prescribed.
3. Inspectors, how appointed...4. 5. Their duty...6. Vacancy how
7. ----- Authorized to prosecute for monies unpaid. (filled.)
8. ----- In what case to sell lots on which assessments are unpaid.
9. ----- How to proceed where ditches are to be taken through adjoining lands.

10. Line Ditches, proprietors wishing such, how to proceed.
 1. Proprietors of swamps wishing them ditched, to petition court.
 2. ----- To give notice of their intended application.
 7. ----- To pay their proportions of money for ditching.
16. ----- How to proceed, where they want to continue a ditch to any main ditch through other lands.
13. Treasurer authorized to prosecute for sums due for scouring.
14. ----- How to apply monies when recovered.
15. ----- To render an account to the proprietors, &c.
19. Wallkill, part thereof, declared a public highway.
20. ----- Persons obstructing it, liable to a penalty, &c.

An ACT making Provision for draining Swamps and Bog Meadows in the Counties of Orange and Dutchess.

Passed April 9th, 1804.

WHEREAS there are large tracts of swamps and bog meadows in the counties of Orange and Dutchess, owned by different proprietors, which might be made fit for the culture of hemp, meadow and pasturage, which in their natural state are subject to be overflowed with water and rendered unfit for any kind of agricultural purposes: That the necessary provisions for draining the same may be more easily made than heretofore,

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act it shall and may be lawful for any one or more of the owners or proprietors of any such swamp or bog meadow in either of the said counties, who may be inclined to have the same ditched and drained for the purposes aforesaid, to present a petition to the judges and assistant justices of the court of common pleas in either of the said counties in which such swamp or bog meadow is situated, in which shall be set forth the names and places of residence of the proprietors of said swamp or bog meadow as particularly as he or they may know the same, and in which shall be set forth a general description of the situation of the said swamp and bog meadow to be drained, praying that inspectors may be appointed, not interested in said swamp or bog meadow, to settle and determine the number of acres which belong to each of the proprietors or occupants of the said tract, which, in their opinion, may be benefitted by ditching and draining the same: *Provided always*, That the said petitioner or petitioners shall give at least six weeks notice in one of the newspapers printed in the county where said swamp or bog meadow is situated, to all persons interested therein, before he or they present such petition, of his or their intention to present the same to said court, which notice shall contain the time and place of the sitting of said court, and the substance of the petition aforesaid: And further, that he or they petitioning as aforesaid, shall, for the same length of time before the sitting of the said court to which said petition is presented, set up a copy of such notice on one of the outer doors of the court house in said county, and at three public places in the town in which such swamp or bog meadow is situated.

3 II. *And be it further enacted,* That when any owner or owners of any swamp or bog meadow in either of the said counties shall present his or their petition as aforesaid, and shall prove to the satisfaction of the said court that notice has been given agreeable to the directions of this act, that then it shall be the duty of the judges and assistant justices of said court, in open court, and they are hereby authorized and required (unless good cause be shewn to the contrary) to appoint not exceeding five inspectors, freeholders and inhabitants of said county, and not interested in said
4 swamp or bog meadow, a majority of whom, after they are appointed, or their successors, shall be inspectors finally to settle and determine the number of acres which belong to each proprietor or occupant in said tract which may, in their opinion, be benefitted by draining and ditching the same, and declaring the sum necessary to be raised for the purposes aforesaid : And further, it shall be the duty of the said inspectors to make out a map or chart of the said tract, with the general course of the main and other ditches thereon, which, in their opinion, are necessary to be cut and kept open for the effectual draining the same, and to certify under their hands, the sum or proportion to be paid by each of the proprietors or occupants, and that the same, after being approved of by the court, shall be filed in the clerk's office of the said county, for the benefit of the persons interested therein : *Provided always,* That if, in the opinion of the said inspectors,
5 or a majority of them, after they have viewed the premises, it will be impracticable or unprofitable for the owners or proprietors of said swamp or bog meadow to drain the same, then it shall be their duty to report in writing to the said court a state of facts respecting the same ; and if the said court agree with the said inspectors in such report, they shall be discharged from any further duty enjoined upon them by this act.

6 III. *And be it further enacted,* That in case any one or more of the said inspectors to be appointed by virtue of this act shall die, remove out of the county, resign, or become interested in said land for the draining of which he has been appointed an inspector, in either case the said court shall from time to time, upon due notice thereof, fill up such vacancy by a new appointment.

7 IV. *And be it further enacted,* That each proprietor or occupant shall pay to the said inspectors, or any one of them, his share of the money so ascertained and allowed as aforesaid, within three months thereafter ; and in default thereof it shall be lawful for said inspectors, or their successors, to recover the same by due course of law, with interest and costs of suit.

8 V. *And be it further enacted,* That the said inspectors and their successors, are hereby authorized and empowered to dispose of at public auction, for a term not exceeding fifteen years, giving at least three months previous notice thereof, by advertisement inserted in one of the public newspapers printed in the said county, in which are situated any lot or lots contained in said swamp or bog meadow so to be drained, the owner or owners neglecting or refusing to pay the sum or sums assessed thereon by the said inspectors, and to give a lease or leases to any person or persons who may purchase said lot or lots.

VI. *And be it further enacted,* That in case the said inspectors 9
or their successors, shall find it necessary to continue such ditch or
ditches, through lands adjoining any such tracts of swamp or
bog meadow, for the purposes of draining the same more effectually,
then they are hereby authorized to agree and settle with
the owner or owners of such lands for such damage, as is likely
in their opinion to be sustained by such owner or owners, by reason
of such ditch or ditches, and to pay any such sum or sums as
shall be agreed on, out of the monies to be raised by virtue of
this act in manner aforesaid, for draining and ditching such
swamp or bog meadow : And if they cannot agree as aforesaid,
on application by the said inspectors or their successors for that
purpose, to the judges and assistant justices of the court of common
pleas of said county, or a majority of them not interested in
the premises, they are hereby authorized and required to appoint
three reputable freeholders in the said county, not interested in the
said lands, to appraise and ascertain what damages (if any) the said
owner or owners of such land may probably sustain, by means
of ditching or draining such swamp or bog meadow : And if the
inspectors or their successors or a majority of them, judge it proper
to pay such appraisement to the owner or owners, they may
upon payment or tender thereof, proceed to cut or direct the
cutting of such ditch or ditches, as the said inspectors have reported
to the said court to be necessary as aforesaid, any law to
the contrary notwithstanding.

VII. *And be it further enacted,* That any proprietor or occupant 10
who shall be desirous of having one or more line ditches,
shall give at least thirty days notice of his intention, to the person
or persons owning or possessing the part or parts adjoining,
and if after such notice any person or persons, shall neglect or
refuse to make one equal half or proportionate part of such line
ditch or ditches, the person so giving notice may proceed to cut
such ditch or ditches, and may prosecute and recover from the
party so neglecting the one equal half or proportionate part of all
the expenses for cutting said ditch or ditches in any court having
cognizance thereof with costs of suit.

VIII. *And be it further enacted,* That for defraying the ex- 11
penses of clearing and scouring out the main and other ditches
to be cut by virtue of this act, the proprietors and occupants
or purchasers of any lots sold by virtue of this act for the time
being, shall for every acre settled by the said inspectors, pay such
sum annually, not exceeding three cents per acre, if a majority
of the proprietors at their annual meeting hereafter directed,
shall think proper, to be computed from the first day of May, in
the year then next after such ditch or ditches shall be completed
according to the provisions of this act ; and to be paid to the
treasurer, to be appointed by a majority of the said proprietors
at their first meeting, to be held at the time and place directed
by said court at the time of making their order for filing their
map and chart aforesaid, of which time and place of meeting the 12
proprietor or proprietors, who presented the petition aforesaid to
said courts, shall give a notice in writing to every proprietor of

said swamp or bog meadow, who resides within the said county, and cause a copy of such notice to be published at least three weeks successively, in one of the newspapers printed in said county where said swamp or bog meadow is situate, which publication shall be taken and deemed a sufficient notice to all and every proprietor or owner thereof, who do not reside within the said county, and such day of meeting shall be their anniversary day of meeting for choosing their treasurer and the commissioners herein after mentioned.

- 13 IX. *And be it further enacted*, That in case any proprietor or occupant shall neglect or refuse to pay annually on the first day of May, such sum, not exceeding three cents per acre, as settled by said inspectors, the treasurer for the time being may sue for and recover the same before any justice of the peace in said
- 14 county, with interest and costs of suit ; which treasurer shall apply the money or such part thereof as he may deem necessary to
- 15 clearing and scouring said ditch or ditches ; and who shall render an account of the same to the proprietors or occupants, at their next annual meeting, and the monies, if any, the papers and accounts relating to said swamp and bog meadow, he shall then deliver over to his successor in office.
- 16 X. *And be it further enacted*, That if any proprietor or proprietors shall own any part of said swamp or bog meadow, which shall be drained by virtue of this act, and which does not come to the main ditch or ditches or any of them ; then it shall and may be lawful for the owner or owners of such lot or lots, to ditch through any lands situate between such lot and the main ditch, in such place or places as the said inspectors or a majority of them shall order and direct, paying the damages, if any therefor, to the said owner, proprietor or occupant so damaged, to be ascertained and settled by the said inspectors or a majority of them, upon application being made to them for that purpose by either party interested therein.
- 17 XI. *And be it further enacted*, That it shall and may be lawful for the proprietors, owners or occupants of any such swamp or bog meadow, or a majority of them, at any time after the map or chart and return of the inspectors appointed by virtue of this act is allowed of by the said court and filed in the clerk's office as aforesaid, if they deem it proper and for their interest, at their first meeting as aforesaid, to choose any number of commissioners not exceeding three, who shall for one year thereafter, or until others are chosen in their place, exercise and discharge all the duties required of the said inspectors or a majority of them, in any of the preceding sections of this act : And it shall be lawful for the proprietors or occupants, or a majority of them, at their annual meeting thereafter, to choose a like number to succeed the said commissioners ; and the said proprietors and occupants, after they have so as aforesaid chosen the said commissioners, for the purposes aforesaid, they shall cause a return thereof to be made and filed in the clerk's office of the said county, and a notice thereof to be given to the inspectors or a majority of them ; then and in that case the

powers given by this act to the said inspectors, shall thereafter cease and be no further executed.

XII. *And be it further enacted*, That the said inspectors appointed by virtue of this act, shall be entitled to receive two dollars per day, for every day each inspector shall be necessarily employed in and about the premises, and the said court, for allowing and entering every such return of said inspectors, shall be entitled to receive two dollars; and the clerk of the said court shall be entitled to receive such fees as are allowed for like services in other cases, which fees shall be paid out of the monies to be raised by virtue of this act, for draining any such swamp or bog meadow.

XIII. *And be it further enacted*, That so much of the stream of water in the county of Orange, called the Wallkill, as lies between the line of the State of New-Jersey, and a line to be run directly across the said stream one rod above the first eel weir, below the outlet bridge, shall be and the same is hereby declared to be a common and public highway.

XIV. *And be it further enacted*, That if any person shall after the passing of this act, dam up or obstruct the before described waters, by erecting or placing any eel or fish weirs, or by building any other work, or repairing any weirs that may be now erected in said Wallkill, or by cutting or felling wood or timber in the same, every person so offending, shall forfeit for each offence the sum of twenty-five dollars, to be recovered with costs of suit, by and for the use of any person who will sue for the same before any justice of the peace in and for said county, and the person so offending shall moreover be deemed guilty of a misdemeanor, and be prosecuted accordingly by indictment.

XV. *And be it further enacted*, That this act shall be and hereby is declared to be a public act.

Lands.

C H A P. LXI.

An ACT relative to certain Lands held in Trust by the late Peter Remsen.

Passed April 5th, 1804.

WHEREAS the following lots of land, situate in the county of Herkimer, distinguished in a certain indenture bearing date the eighteenth day of September, one thousand seven hundred and sixty-five, made between Hans Dedrick Staley and others of the first part, and Peter Remsen, then of the city of New-York, merchant, of the second part, by lot number ten in first tract and lot number one in second tract, were thereby granted to the said Peter Remsen and to his heirs, in trust, for the use of the said patentees, to be by the said Peter Remsen sold for the paying the quit rents due or to become due upon the said patent or tract of land, in conformity to the provisions con-

tained in the said indenture : *And whereas* the said Peter Remsen is since deceased, leaving the said quit rents due and unpaid, and the said lands unfold, and legislative interference having been prayed for in the premises : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the heir or heirs of the said Peter Remsen, and for any other person or persons in whom the said trust estate is vested, to convey and transfer the said trust estate to Michael Itigh, John Frank and Rudolph Steal, of the town of German-Flatts, in the said county of Herkimer, and to their heirs, to be held by the said Michael Itigh, John Frank and Rudolph Steal, and their heirs, to and for the uses in and by the said indenture aforesaid particularly specified and intended, and to and for no other use whatsoever, together with all the rights and privileges incident to the said trust.

II. *And be it further enacted*, That it shall and may be lawful to and for the said Michael Itigh, John Frank and Rudolph Steal, and their heirs, after being vested with such trust, to institute suits, and to prosecute the same to judgment and execution, for any trespasses committed by any person or persons whomsoever on the said trust estate antecedent to the passing of this act.

C H A P. CXI.

C O N T E N T S.

19. Attorney-Gen. to prosecute for monies due on certain mortgages.
20. ----- To examine what mortga. to attainted persons are on rec.
14. ----- In what cases authorized to make partition of lands.
7. Black Rock, ground at, to be laid into streets and house lots.
8. Cayuga, Oneida & Onondaga reserva. monies due on, how payable.
23. ----- Time of payment of interest, extended, &c.
27. ----- Certain privileges extended to certain owners of lands in.
12. Comptroller, to take security from discoverers of forfeited lands.
10. Forfeited Lands, sales of, Surv. Gen. to report to Comptroller.
9. ----- Persons making discovery of, how to proceed---13. Deriving knowledge from public records, &c. when barred the benefit of discovery---11. On sale of, entitled to a proportion of the proceeds.
1. Lands, remaining unsold under a certain act, land office to grant.
2. ----- Public Sales of, by the Surveyor General, to be in Albany.
3. ----- Certain Tracts of, declared to be unappropriated.
26. ----- Land Office may direct the sale of certain unappropriated.
16. Messenger, Samuel, Land Office authorized to grant lands to.
21. Onondaga Commissioners, their powers partially revived.
24. ----- Reservation, certain privileges granted to mortgagors in.
28. Quit Quents, a certain act relative to, revived and extended.
25. Society for relief of distressed Women, house lot to be leased to.
6. Stedman's Farm, Surveyor General may lay out into lots, &c.
5. Surveyor General, may lay out lots as he shall deem proper.
15. ----- May sell the interest which the state has in undivided lands.
17. ----- Directed to sell lots forfeited by non-compliance with conditions of former sales.

18. Surv. Gen. to convey to former purchasers on certain conditions.
22. Troup, Robert, certain act not to be construed to his prejudice.
4. Wright, E. and D. Masters, a certain carrying place to be leased to.

An ACT relative to unappropriated and forfeited Lands, and for other Purposes.

Passed April 11th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever the surveyor general shall have exposed to sale any lots of the unappropriated lands of this state, in pursuance of the act, entitled " An act for the sale of the unappropriated lands, and for other purposes," passed the sixth day of April, one thousand eight hundred and three, and any of such lots shall remain unsold, it shall be lawful for the commissioners of the land office to grant letters patent to such persons respectively, as shall thereafter first make application for any of the said lots, and paying therefor the minimum price affixed to them in pursuance of the said act, in the manner therein prescribed: *Provided*, That no person shall be considered as an applicant unless he shall have made the first payment required by the said act: *And provided further*, That no one applicant shall be entitled to a grant of more than two lots.

II. *And be it further enacted*, That all public lots of lands belonging to the people of this state, hereafter to be made by the surveyor general, shall be held in the city of Albany, unless otherwise directed by the commissioners of the land office.

III. *And be it further enacted*, That the lands belonging to the people of this state at Point Au-Fer, in the county of Clinton, all the lands in the military tract commonly called the hundred acre lots, all the reserved lots other than those appropriated for the use of the gospel, schools and literature, and all the unpatented lands lying between the Chenango and Owego rivers in the said tract, shall be considered as unappropriated lands, and as such be subject to be disposed of according to the directions of this and the aforesaid act.

IV. *And be it further enacted*, That it shall and may be lawful for the surveyor general to lease to Ebenezer Wright and Daniel Masters; and their assigns, the carrying place at the Oswego falls; and the land adjoining thereto, belonging to the people of this state, for the term of ten years from the passing of this act, they paying therefor yearly and every year, into the treasury of this state, the sum of forty dollars, and there shall be inserted in the said lease, and the counterpart to be executed by the said lessees, the usual covenants of distress for rent and of re-entry: *Provided always*, That nothing in this act contained shall be deemed to prevent any of the citizens of this state from using the said carrying place, and transporting across the same as a public highway from the usual place of taking boats out of the river, to the usual place where they are put into the water again, so far as the land belonging to the people of the state extends.

V. *And be it further enacted*, That whenever local circumstances and situation shall, in the opinion of the surveyor general,

render it proper to lay out certain lots of larger or smaller sizes than two hundred acres, it shall be lawful for him so to lay out such lots; and further, that it shall be lawful for him to sell all lots heretofore so laid out by him, any law to the contrary notwithstanding.

- 6 VI. *And be it further enacted*, That the surveyor general, in leasing the tract of land called Stedman's farm, on Niagara river, pursuant to the directions of the above recited act, shall reserve out of the same so much thereof as the commissioners of the land office shall deem necessary and direct for the accommodation of the landing place; and further, that it shall be lawful for the surveyor general to lay out the aforesaid farm into so many lots as he shall deem most advantageous to the people of this state, and to lease the said lots separately pursuant to the directions of the above recited act.
- 7 VII. *And be it further enacted*, That the surveyor general shall lay out the ground at or near Black Rock, on the Niagara river, into streets and house lots, and make report thereof to the legislature at their next meeting.
- 8 VIII. *And be it further enacted*, That the principal sums due from the purchasers of lands in the Cayuga, Oneida and Onondaga reservations, sold by the surveyor general in the year one thousand eight hundred and three, shall be and are hereby made payable in four equal instalments, that is to say: the first on the first Tuesday in July, in the year one thousand eight hundred and eight; the second on the first Tuesday in July, in the year one thousand eight hundred and nine; the third on the first Tuesday in July, one thousand eight hundred and ten; the fourth and last on the first Tuesday in July, one thousand eight hundred and eleven.

And whereas it is represented that in establishing the right of the people of this state to lands deemed to have become forfeited, as required in and by the act, entitled "An act to facilitate the discovery and sale of the estates of attainted persons," in order to entitle the discoverers of such lands to the benefits intended by the said act, it is difficult to ascertain that the persons by whose attainder or conviction such lands are deemed to have become forfeited had not previously alienated the same: For remedy whereof,

- 9 IX. *Be it further enacted*, That before sale shall be made of any such forfeited estate, it shall be required that the person claiming the benefit of such discovery give at least eight weeks successively notice in the newspaper published by the printer to the state, and in the newspaper published nearest to the lands so discovered, that he has made application to the surveyor general for the benefit of said act in regard to such lands, which lands shall be particularly described in such notice; and shall also exhibit an affidavit made by two credible witnesses having knowledge of such lands, stating to whom the same have been and are reputed to belong, together with such evidences as can be procured touching the title to said lands, within three months after the passing of this act, or after his application made as aforesaid;

and in case of his neglecting so to do, he shall be deemed to have forfeited his right to the benefit intended by said act; and if, in the opinion of the attorney general, the title to such lands is sufficiently proven to be in the people of this state, he shall give a certificate thereof to the surveyor general, who shall thereupon proceed to sell such lands as in and by the said act is directed.

X. *And be it further enacted*, That the surveyor general shall, 10 from time to time, report to the comptroller all the sales that shall have been made of forfeited lands as aforesaid, together with the names of the persons respectively entitled to the benefit of such discoveries, whereupon it shall be lawful for the comptrol- 11 ler to draw warrants on the treasurer in favor of such persons for such proportions of the monies actually paid into the treasury as they shall respectively be entitled to by virtue of the said act, he 12 first taking from each of them such security as he shall deem sufficient for the repayment of such monies, with interest, to the state, in case the title given by the surveyor general in behalf of the people of this state, for the lands on the sale of which such monies may be received, shall at any time thereafter be defeated: *Provided always*, That no person deriving his knowledge of 13 any forfeited lands from records, or other documents filed or deposited in any public office within this state, or from any person who has been or may be employed either as a principal or clerk in any such office, shall be entitled to any benefit for the discovery of such forfeited lands, pursuant to the directions of the last above recited act, made after the first day of October next.

XI. *And be it further enacted*, That it shall be the duty of the 14 attorney general, and he is hereby authorized, to cause partition to be made of such tracts of land as are held in joint tenancy or tenancy in common, in which the people of this state are interested, and for that purpose to do all such acts as any joint tenant or tenant in common is authorized to do by virtue of the act, entitled "An act for the partition of lands: *Provided*, That in 15 every case in which the surveyor general, with the advice of the attorney general shall judge it for the interest of the people of this state to sell their right in any such lands without a partition thereof previously made, the surveyor general shall so sell the same.

And whereas it appears to the legislature, by the report of the surveyor general that the permission given to Samuel Messenger, by the act, entitled "An act for the sale of the unappropriated lands, and for other purposes," passed the sixth day of April, one thousand eight hundred and three, to erect a dam across the Chittenden creek, may materially injure the lands of the people of this state, by means of the overflowing of the water of the said creek: For remedy whereof,

XII. *Be it further enacted*, That it shall be lawful for the com- 16 missioners of the land office to grant unto the said Samuel Messenger, in addition to the lands mentioned in the above recited act, such other lands as may be liable to be so overflowed, upon such terms as the said commissioners shall deem reasonable.

XIII. *And be it further enacted*, That it shall be the duty of the 17

- surveyor general to sell in the manner directed in and by this act and the before recited acts, all lots of land belonging to the people of this state which have heretofore been sold and have since been forfeited by the purchasers, by means of their non-compliance
- 18 with the terms of sale : *Provided nevertheless*, That if any of the purchasers of the said lots who have paid a part of the purchase money, or their legal representatives, shall within nine months after the passing of this act, pay into the treasury of this state the balance of the purchase money, with lawful interest, it shall be lawful for the surveyor general to execute conveyances for such lots to the said purchasers, or their said representatives.
- 19 XIV. *And be it further enacted*, That it shall be and hereby is made the duty of the attorney general, to institute suits for the recovery of the monies which may be due on mortgages deposited in the office of the comptroller, given by persons who have been attainted, and whose estates, by means of their attainder, have been
- 20 forfeited to the people of this state ; and also to examine whether any, and if any, what unpaid mortgages given to attained persons may be found of record in the office of the clerks of any of the counties within this state, and that he report thereon to the legislature at their next session.
- 21 XV. *And be it further enacted*, That the powers of the late Onondaga commissioners be and the same are hereby revived, so far only as that it shall and may be lawful for them, at any time before the first day of January next, to complete all the awards that are made out and ready for signing : *Provided nevertheless*, That the said commissioners shall not be entitled to any compensation for any services to be performed by them by virtue of this act.
- 22 XVI. *And be it further enacted*, That the sixteenth section of the act, entitled " An act for the sale of the unappropriated lands and for other purposes," passed on the sixth day of April, one thousand eight hundred and three, shall in no wise be so construed as to limit or affect the privileges granted by an act, entitled " An act authorizing Robert Troup and his associates to erect a dam across the Seneca river." *Provided nevertheless*, That the said dam be so constructed that fish may pass the same, and that no obstruction to the passage of boats up or down the stream of said river, shall be formed therein, unless some other passage of equal facility be provided for such boats, free from charge or expense, by land, on the part of the said Robert Troup and his associates, their heirs and assigns : *And provided also*, That this condition and restriction shall cease and be void, whenever the president, directors and company of the western inland lock navigation company, or any person by them authorized shall erect locks at the Seneca falls on said river, in pursuance of their charter.
- 23 XVII. *And be it further enacted*, That the time for the payment of the interest which became due from the purchasers of lands, in the Oneida, Cayuga and Onondaga reservations, on the first of February last, by the act, entitled " An act for the relief of the purchasers of lands, in the Cayuga, Oneida and On-

Onondaga reservations," passed the twenty-eighth day of March, one thousand eight hundred and three, shall be extended until the first Tuesday of September next, and that the purchasers who pay the interest by that time, shall have the same time for the payment of the principal as is given by the second section of the act above recited, and that the comptroller shall stay all prosecutions against the said purchasers, until the first Tuesday of September next.

XVIII. *And be it further enacted*, That all such persons as shall by paying in addition to what they have heretofore paid as interest, pay two years and eight months interest on their respective mortgages on land in the late Onondaga reservation, on or before the first Tuesday in July next, and shall pay all the interest then remaining in arrear, in three equal payments, on the first Tuesdays in July, in the years one thousand eight hundred and five, one thousand eight hundred and six, and thousand eight hundred and seven, with the interest of each respective year as the same shall become due, in the three said years, said persons shall be entitled to all the benefits and privileges granted in and by the act, entitled "An act for the relief of the purchasers of lands in the Cayuga, Oneida and Onondaga reservations," passed the twenty-eighth day of March, one thousand eight hundred and three.

XIX. *And be it further enacted*, That the surveyor general shall be and he is hereby authorized and directed to lease for the term of twenty-one years, from and after the passing of this act, at the rate of six cents per annum, unto the society for the relief of distressed women and children in this city, and to their successors in office, for the sole use of erecting a school house thereon, a lot of ground on the southwesterly end or corner of the lot belonging to the people of this state, in this city, on which the building for the public offices is erected, which lot so to be leased, shall be bounded as follows: Beginning at the intersection of Lodge and Nail streets, thence northeasterly on Lodge-street thirty-four feet; thence northwesterly to the line of George Merchant's lot; thence on the last mentioned line southwesterly to Nail-street, and thence southwesterly on Nail-street to the place of beginning, which lease shall be signed by the surveyor general on the part of the people of this state.

XX. *And be it further enacted*, That it shall be lawful for the commissioners of the land office to direct sales to be made of the unappropriated lands lying between the Cheefcocks patent and the line of New-Jersey, and in the counties of Greene and Schoharie, in such parcels as they shall judge best for the interest of the state, without causing them to be run out into lots of the dimensions prescribed for the other unappropriated lands.

XXI. *And be it further enacted*, That all such persons as were purchasers and actual owners of land in the late Oneida, Cayuga and Onondaga reservations, on the 3d April, 1801, and who did not avail themselves of the benefit of the act, entitled "An act for the relief of the purchasers of lands in the late Oneida, Onondaga and Cayuga reservations," passed the 3d April, 1801,

and have since made improvements and actual settlements thereon to the value of fifty dollars, shall be and are hereby entitled to the same remission of interest as though they had been actual settlers at the time of passing the said act: *Provided, That* satisfactory proof thereof be produced to the comptroller, within six months after the passing of this act: *And provided further,* That Peter Smith, and owners of land deriving title under him, shall not be included within the purview of this act, nor entitled to its benefit.

- 28 XXII. *And be it further enacted,* That the act, entitled "An act to revive the third clause of an act, concerning quit rents," passed 8th April, 1801, and extending the time for the remission and commutation of certain quit rents, passed the 5th April, 1803, shall be and the same is hereby revived and extended to the first Tuesday of January next.

Bridges.

C H A P. XVI.

C O N T E N T S .

3. Commissioners for receiving subscriptions, named---their duty.
1. Company allowed a further time for completing road and bridge.
5. Damages sustained by certain persons, to be ascertained and paid.
2. Stock increased.---4. Forfeitures for non-payment.

An ACT supplementary to the Act, entitled "An Act for building a Bridge over Flushing Creek, constructing a Road and establishing a Turnpike between Flushing and Newtown, in the County of Queens," passed the 21st March, 1801.

Passed March 20th, 1804.

WHEREAS the Flushing and Newtown turnpike, bridge and road company have, by their petition, among other things, prayed that the time limited for completing the said bridge and causeway and having the same inspected, may be extended to the twenty-first of March, one thousand eight hundred and six, and that they will have occasion for a further sum of money to complete the said bridge and road: Therefore,

- 1 I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the time limited for the building and completing the said bridge and road, and inspecting the same, be and the same is hereby extended to the twenty-first day of March, which will be in the year of our Lord one thousand eight hundred and six.
- 2 II. *And be it further enacted,* That the capital stock of the said Flushing and Newtown turnpike, bridge and road company, be increased one hundred shares, each of the value of twenty-five dollars; and that Samuel Riker, Robert Moore and David Gardiner shall be and are hereby appointed commissioners for taking subscriptions; and each of the said commissioners shall, on or
- 3

before the first day of July next, provide himself with books, and open the same for subscription in the same manner as is directed in the said first mentioned act, and shall continue them open from day to day, until the whole number of one hundred shares are subscribed for, and in the same manner, and subject to the same terms and regulations as are directed and set forth in the said first above mentioned act.

III. *And be it further enacted*, That from and after the passing of this act, any subscriber or stockholder in the said company, neglecting or refusing to pay all or any part of the several sums of money hereafter to be subscribed by them, for the space of fourteen days after notice having been published in two of the public newspapers printed in the city of New-York from the president of the said company, that the same is due and unpaid, shall forfeit to the use of the said company, all the monies previously paid on account of such share or shares respectively, in payment whereof such default shall be made, together with all right, title, interest, emolument, claim and demand whatsoever, of, in and to the funds and profits arising or to arise therefrom by reason of such forfeited share or shares: *And whereas* there are certain persons who are the owners of certain stores and wharves situated above the said bridge, on the Flushing creek, who have been considerably injured by the building of the said bridge:

IV. *Be it therefore enacted*, That the president and directors of the said company be and they are hereby authorized to ascertain the amount of such damage, by agreement with such person or persons as may have been so injured, on or before the first day of July next; and upon the same being so ascertained, to pay to such person or persons the amount thereof.

C H A P. XVIII.

C O N T E N T S.

3. Commissioners for building a bridge, named, &c.
4. ----- Authorized to borrow a sum of money... 5. To give bond.
1. Surveyor General directed to sell lands in Benson.
2. Treasurer, when to pay a certain sum of money.

An ACT to enable the Inhabitants of Benson, in the County of Montgomery, to erect a Bridge over West Stony Creek.

Passed March 20th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the surveyor general of this state, shall be and hereby is authorized and directed to sell at private sale, not exceeding six of the lots in Benson in the county of Montgomery, which were put up at vendue and not sold, or which were forfeited by non-compliance with the terms of sale, and which still belong to the people of this state, to such persons as shall apply for the same, at such price as he shall think them reasonably worth, and on the terms of payment and conditions fixed by the act, entitled "An act concerning the

commissioners of the land office and the settlement of lands," passed the twenty-fourth day of March, one thousand eight hundred and one : *Provided*, That no lot shall be sold for less than one dollar per acre : *And provided also*, That nothing in the act above recited, shall be construed to prevent the immediate payment of the whole money, should the applicant or applicants be disposed to make such payment.

- 2 II. *And be it further enacted*, That as soon as a sufficient sum arising from the sale of the said lots shall be paid into the treasury, it shall be the duty of the treasurer on the warrant of the comptroller, which he is hereby directed to issue, to pay into
3 the hands of Squire Maxwell and Bartholomew Dodds, who are hereby appointed commissioners for the purpose, the sum of five hundred dollars, to be expended by them in erecting a bridge over West Stony creek, at such place as in their judgment will best accommodate the inhabitants of Benfon.

- 4 III. *And be it further enacted*, That it shall be lawful for the aforesaid commissioners to borrow the said sum of five hundred dollars, at an interest of seven per cent per annum, to be repaid, both principal and interest, out of the first monies that shall come into the treasury from the sale of the lots aforesaid.

- 5 IV. *And be it further enacted*, That the comptroller, before he issues his warrant aforesaid, shall take a bond from the said commissioners to the people of this state, jointly and severally, in the penal sum of one thousand dollars, conditioned for the faithful performance of the trust reposed in them, which bond shall be cancelled or surrendered up to them as soon as the bridge is completed, upon their rendering a satisfactory account to the comptroller of the expenditure of the said money.

C H A P. XLIV.

An ACT relative to Bridges across the Creek commonly called Roeliff Janse's Kill, in the County of Columbia.

Passed April 3d, 1804.

WHEREAS the town of Clermont is bounded for a considerable extent on the south side of the creek commonly called Roeliff Janse's Kill, on which there are many and expensive bridges, and at present most of them much out of repair : *And whereas* there is at present no existing law directing in what manner such bridges shall be put and kept in good and sufficient repair where the town of Clermont is for the greater part bounded by the south side of said creek, on the town of Livingston : *And whereas* the bridges across said creek are as well of utility to the inhabitants of Germantown as to the inhabitants of the towns of Livingston and Clermont : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the bridges now built across the said creek, commonly called Roeliff Janse's Kill, from where said creek empties into Hudson's river to the mills of Robert R. Livingston, Esquire, at the village of Pleasant Vale, including a

bridge erected on a branch of said creek, near the dwelling house of Philip Faller, all which bridges the commissioners of highways for the towns of Livingston, Clermont, and Germantown, for the time being, are hereby required to cause to be put and kept in good and sufficient repair, at the expense of the said towns of Livingston, Clermont and Germantown; and an account of the expenses attending the same shall be, by the commissioners of highways for said towns, or by either of them, transmitted to the supervisors of the county of Columbia, at their annual meeting, who are hereby required and directed to divide the whole amount of such expenses between the said towns of Livingston, Clermont and Germantown, in proportion to the valuation of taxable property in the said towns, and cause the same, by their warrant or warrants, to be levied and collected from the freeholders and taxable inhabitants of the said towns of Livingston, Clermont and Germantown, and direct the same to be paid by the respective collectors to the commissioners of highways for said towns respectively, on the order of the supervisors as is usual in other cases, which said sums of money, when so collected and paid into the hands of the commissioners of highways for said towns respectively, shall be by them appropriated for the purposes aforesaid, any thing herein contained to the contrary notwithstanding.

C H A P. LI.

C O N T E N T S.

1. Bridge, treasurer to pay a sum out of avails of lottery for building.
3. ----- Limits prescribed within which to be built.
8. ----- Such part of the act by this amended as relates to the place of erecting. repealed.
2. Commissioners to superintend the building named.
6. Commissioners to give security.---7. Their compensation.
4. ----- For designating the place for building, how appointed.
5. ----- Their compensation.

An ACT to amend certain Sections of an Act, entitled "An Act for opening and improving certain great Roads in this State."

Passed April 4th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall on the warrant of the comptroller, pay out of the avails of the lottery, as mentioned in the said act hereby amended, to Alexander St. John, Abraham Van Arnum and Jacob Shew, the sum of fifteen hundred dollars, for building a bridge over the west branch of the Hudson's river, somewhere between the line which divides the counties of Saratoga and Montgomery and Tiffany Nettleton's late residence.

II. And be it further enacted, That the person administering the government of this state for the time being, be and he is hereby authorized to appoint three discreet persons who are no ways interested in said bridge, commissioners to ascertain the place

- within the aforesaid limits, where the said bridge shall be built, who shall have for their services, two dollars each for each day they shall be employed, to be paid by the commissioners appointed for building said bridge, out of any monies which may come into their hands by virtue of this act.
- III. *And be it further enacted,* That the commissioners hereby appointed for building said bridge shall give security in like manner as is directed to be given by the road commissioners mentioned in the act hereby amended, and shall receive for their services in superintending the building of said bridge, two dollars each for every day they shall be so employed, according to such account as they shall produce to be audited by the comptroller.
- IV. *And be it further enacted,* That so much of the said act hereby amended as relates to the building of a bridge over the west branch of the Hudson river, at or near the place where Tiffany Nettleton lately lived, shall be and the same is hereby repealed.

C H A P. XCII.

C O N T E N T S.

34. Act, declared a public act.
 22. Bridge, building of, when to commence and when to be finished.
 23. ----- How to be built...24. Plan thereof...30. Penalty for injuring.
 21. ----- No other to build across said river within 2 miles thereof.
 36. ----- After 75 years to become the property of the state.
 1. Company, their stile and corporate rights.
 2. ----- Limited in the purchase of real estate.
 18. ----- For what cause to be dissolved...19. And to re-convey lands.
 35. ----- In what case liable for penalties incurred by toll-gatherer.
 3. Directors may call for sums due on shares.
 5. ----- Nine to manage the concerns of the company.
 9. ----- Vacancy in, how filled...10. First board of appointed.
 14. ----- May enter on lands...29. Appoint officers and make bye-laws.
 6. Election, anniversary day of...8. To be by ballot.
 7. ----- Place of holding, directors to appoint.
 25. Gate, when to be erected and toll exacted.
 15. Lands, taken for the bridge, company to pay owners for.
 16. ----- Value of, how ascertained in case of disagreement.
 17. ----- Not to be taken possession of until paid for.
 20. ----- In what case to revert to the present owners.
 30. Penalty for injuring bridge...31. And for forcibly passing gates.
 32. ----- On toll-gatherers for unreasonably delaying passengers.
 11. President, to be appointed by the directors.
 4. Shares, if not paid on the requisition of the directors, forfeited.
 12. ----- Number limited---amount of each---transferable.
 26. Toll, rates of prescribed...32. Printed list of, to be affixed at gate.
 27. Toll-Gatherer, may detain persons until toll be paid.
 32. ----- Penalty on...35. Incurred by, in what case comp. liable for.
 28. Troops and Military Stores to pass bridge free of toll.
 13. Votes, proportioned to the shares held by the stockholders.

An ACT to incorporate the Troy Bridge Company.

Passed April 9th, 1804.

I. **BE** it enacted by the People of the State of New-York, represented in Senate and Assembly, That George Tibbits, Ephraim Morgan, Daniel Merrit, and Jacob D. Vander Heyden, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by name of "The President and Directors of the Troy Bridge Company," for the purpose of building a bridge over the Hudson river, at the place known by the description of the upper ferry place, at the west end of Ferry street, in the village of Troy, in the town of Troy, in the county of Rensselaer, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, for and during the term of seventy-five years, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors by the same name and stile, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: *Provided*, The real estate so to be purchased shall be such only as shall be necessary to promote or attain the object of this corporation.

II. *And be it further enacted*, That it shall and may be lawful for the said president and directors to call on and demand from the stockholders respectively all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and of all previous payments thereon, to the said president, directors and company.

III. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed by nine directors, who shall be stockholders; and shall be annually chosen and elected, on the first Monday of May in each and every year, at such place in the village of Troy, as the directors for the time being, or any five of them, shall appoint, of which notice shall be given in one of the newspapers printed in the village of Troy, at least twenty days before the day of meeting; that all elections shall be by ballot, and the persons having the greatest number of votes shall be the directors, and shall hold their offices for one year, and until others shall be chosen in their places; and if any vacancies shall happen among the directors, by death, resignation or otherwise, such vacancies shall be filled for the remainder of the space in which they may happen, by the appointment of the other directors for the time being, or a majority of them: And that the first directors shall be George Tibbits, Jacob D. Vander Heyden, Ephraim Morgan, Daniel Merrit, Thomas

- Hillhouse, John Woodworth, Derick Lane, Philip Heartt and Esaias Warren, and shall hold their offices until the first Monday of May, in the year of our Lord one thousand eight hundred and
- 11 five, or until others shall be chosen to succeed them; and that the said directors shall at their first meeting after such election, appoint one of their number to be president.
- 12 IV. *And be it further enacted*, That the number of shares in the stock of said company, shall not at any time exceed three thousand shares of fifty dollars each share, and that the said shares shall be taken and deemed and considered to be personal estate, and shall and may be transferable.
- 13 V. *And be it further enacted*, That at all elections for directors, every stockholder shall be entitled to a number of votes proportioned to the number of shares he or she shall hold in his or her name.
- 14 VI. *And be it further enacted*, That the said president and directors, their agents, artists or other person or persons employed by them, may enter upon and take possession of the lands on each side of said river where the said president and directors are authorized
- 15 to build said bridge; and in case such land so taken possession of shall not be a part of the public highway, the said corporation shall pay the owner thereof on receiving a conveyance of the land, the value of so much of the same as may be necessary for making said bridge, and erecting and establishing a gate, toll-
- 16 house, and all other works to the said bridge belonging; and in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where such land shall lie, who shall be appointed for that purpose, and sworn to make a just valuation, by the judges of the court of common pleas of the same county, or a majority of them, not interested therein, on application from the said president and directors to them for such appointment:
- 17 *Provided nevertheless*, That it shall not be lawful for the said president and directors to enter on or take possession of said land, until the owner or owners thereof shall be paid the value of the
- 18 same to be ascertained as above directed: *And provided also*, If the said bridge shall be carried away by the ice or otherwise destroyed and be not rebuilt in four years after such bridge shall be so carried away by the ice or otherwise destroyed, that in said
- 19 case the said corporation shall become dissolved, and shall convey to the said owners respectively, and their respective heirs and assigns, if thereunto required, such parts of the land now belonging to the said owners, as shall be appropriated or obtained by the said president, directors and company, by appraisement or otherwise, for the use of the said company, at and for such sum or sums of money as the said owner or owners shall
- 20 respectively receive for the same; and if the said president, directors and company, or the stockholders thereof, if the corporation shall become dissolved, shall neglect or refuse to execute within twenty days after such request made, such conveyance, such land shall become vested in the said owners respectively making such request, in the same manner as the said owners

held the same before it was obtained or appropriated as aforesaid.

VII. *And be it further enacted*, That it shall not be lawful for 21 any person or persons to erect any bridge across the said river at any place within two miles of the aforesaid bridge after the same is completed; and that the said company shall commence the 22 building of the said bridge within two years from the first day of June next, and complete the same within seven years from the passing of this act.

VIII. *And be it further enacted*, That the said bridge shall be 23 built at least twenty-five feet wide, and shall be covered with plank not less than three inches thick; the sides of said bridge to be secured by good and substantial railings, not less than four feet in height.

IX. *And be it further enacted*, That the bridge so to be built 24 shall be built on the plan contained in the report of Nathaniel Green and Solomon Bunker, two of the commissioners appointed by his excellency the governor, in pursuance of a resolution of the assembly of the twenty-sixth day of March last, that is to say: the said bridge shall consist of at least five arches; the first on the eastern side of said river, shall be in width not less than one hundred and eighty feet, and at low water not less than seventy-five feet in height from the surface of the water to the under side of the arch: the second arch shall be in width not less than three hundred and fifty feet, and at low water not less than ninety feet in height from the surface of the water to the under side of the arch, and the other arches gradually decreasing to the western shore of said river in such manner that under the three first arches from the eastern shore vessels navigating said river may at low water pass without danger, and under the second arch such vessels may pass at all times when the river is not obstructed with ice.

X. *And be it further enacted*, That as soon as the said bridge 25 shall be completed, and the judges of the court of common pleas of the county of Rensselaer, or any three of them, not interested therein, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently completed and built conformably to this act, and will admit the passage of teams and loaded carriages, it shall and may be lawful for the said president and directors to erect a gate at the end of said bridge, and demand and take for the use of said corporation a toll not exceeding the following rates, to wit: For every four wheel pleasure 26 carriage drawn by four horses, thirty-seven and an half cents, if drawn by two horses, thirty cents; every stage waggon or coach drawn by four horses, thirty-one cents, if drawn by two horses, twenty-five cents; every curricule, chaise, chair or sulkey drawn by one horse, twenty cents, if drawn by two horses, twenty-five cents, and six cents for every additional horse; every waggon and two horses, eighteen cents, and six cents for every additional horse; every sled or sleigh drawn by two horses, eighteen cents, and six cents for every additional horse; each ox waggon or cart drawn by two oxen, eighteen cents, and each additional

- yoke of oxen, nine cents ; every one horse cart, nine cents ; every one horse waggon, sleigh or sled, nine cents ; every man and horse, nine cents ; every foot passenger, three cents ; every horse, jack or mule, four cents ; every cow or other neat cattle, three cents ; every score of sheep or hogs, twelve and an half cents,
- 27 and so in proportion for a greater or lesser number ; and it shall be lawful for the toll-gatherers at said gate to stop every foot passenger and any person, from passing through said gate until they shall respectively have paid the toll herein allowed to be collected :
- 28 *Provided nevertheless*, That any troops in the service of this state or any of the United States, and all artillery, all waggons and other carriages and stores of every kind belonging to this state or to the United States, shall pass said bridge without paying toll.
- 29 XI. *And be it further enacted*, That the said president and directors for the time being, or a majority of them, shall have power to appoint a treasurer and clerk and one or more toll-gatherers, and to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate of the said corporation, the duties of the treasurer, clerks, agents and servants employed therein, and all such matters as appertain to the said corporation : *Provided*, That such bye-laws, rules and regulations, be not inconsistent with the constitution and laws of the United States or of this state.
- 30 XII. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said bridge or any thing appertaining to the same shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by the said company, with costs of suit, in an action of trespass, in the name of the treasurer of said corporation, to their use, in any court of record having cognizance thereof ; which action shall in every instance be considered as transitory in its nature.
- 31 XIII. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected at said bridge in pursuance of this act, or shall cause his, her or their horse, carriage, waggon, sleigh, sled, cattle or other thing or things to pass the same, without having paid the legal toll for passing said bridge, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of the said corporation, to their use, in an action of trespass, which action shall in every case be considered as transitory in its nature.
- 32 XIV. *And be it further enacted*, That it shall be the duty of the said corporation to cause to be affixed in a conspicuous place over the said gate, a printed list of the rates of toll, and in default thereof to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same in his own name.
- 32 XV. *And be it further enacted*, That if any toll-gatherer shall

unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of ten dollars, to be sued and recovered before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person so unreasonably delayed, hindered or defrauded.

XVI. *And be it further enacted*, That this act be and hereby is declared to be a public act, and that the same be, for the time herein before limited, construed in all courts and places benignly and favorably for every beneficial purpose therein mentioned.

XVII. *And be it further enacted*, That in all cases where the toll-gatherer shall be convicted of any of the said offences, and it shall appear by the return of the execution on such conviction, that the money or any part thereof, cannot be obtained from the defendant, the said president and directors shall be liable for the payment of the same; and until the said president and directors shall make such payment, they shall not be allowed to demand or receive any toll for passing the said bridge, but shall keep open the gates.

XVIII. *And be it further enacted*, That from and after the expiration of the term of seventy-five years, the said bridge, with its appurtenances, shall become the property of, and be vested in, the people of this state.

Roads.

C H A P. XXXVIII.

C O N T E N T S.

1. Commissioners named for laying out road---3.
2. Their duty.
3. Road, width and route thereof.
4. ----- Expence of making, how borne.

An ACT appointing Commissioners to lay a Road from the Village of Salina, in the County of Onondaga, to or near the Mouth of the Genesee River, in the County of Ontario.

Passed March 31st, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Swift, Grover Smith and John Ellis be and they are hereby appointed commissioners to explore and lay out a public road of at least four rods wide, from the village of Salina, in the county of Onondaga, to the northwest corner of the township of Galen, and from thence through the towns of Palmyra and Northfield, in the county of Ontario, to or near the mouth of the Genesee river, in said county.

II. *And be it further enacted*. That when the said road shall be laid out, it shall be the duty of the said commissioners to file a map and precise description thereof, with their names thereunto subscribed, in the offices of the clerks of the counties of Onta-

- rio, Cayuga and Onondaga respectively ; and that it shall be lawful from thenceforth for the inhabitants of the said counties through which the said road shall be laid out, to cut open and
- 4 improve the said road ; and that the expense of exploring and laying out the said road shall be borne in equal proportion by the said counties of Ontario, Cayuga, and Onondaga ; and that the supervisors of the said counties shall audit the account of said expenses, and cause the amount thereof to be assessed, collected and paid as part of the contingent expenses of the said counties of Ontario, Cayuga and Onondaga.

C H A P. XLV.

An ACT to open and lay out a free and public Road from the Steel Works in the Town of Amenia to the Hibernia Mills, in the Town of Clinton, in the County of Dutchess.

Passed April 3d, 1804.

WHEREAS David Johnston, Benjamin Delverge, and others, have by their petition prayed for leave to open a public and free road, leading from the place commonly called the old steel works in the town of Amenia in the county of Dutchess, to pass in a western direction to the Hibernia mills, situated in the town of Clinton : And whereas it appears that a large sum of money is already subscribed for the purpose of opening and improving said road. Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That* Lemuel Sisson, William Gorton and William Sutherland, be and they are hereby appointed commissioners, with full power and authority to lay out, open and improve a road from the old steel works in the town of Amenia in the county of Dutchess, on the most convenient route to the Hibernia mills in the town of Clinton in the said county ; which road shall not be less than two nor more than four rods wide, and the lands, and damages of the owners or occupants, through which the said road so to be laid, shall be appraised in the manner directed in and by the act, entitled “ An act to regulate highways,” passed the eighth day of April, one thousand eight hundred and one ; and that the said commissioners shall not open the said road until the owners or occupants shall have been paid for their lands and damages by the said commissioners, out of the money subscribed, or to be subscribed, for the said road.

II. *And be it further enacted, That* the said commissioners shall, before they perform any of the duties contemplated by this act, execute to one of the judges of the court of common pleas for the said county of Dutchess, a bond in the penal sum of five hundred dollars, conditioned for the faithful execution of the trust reposed in them, and shall keep a regular account of all the monies they shall receive, and of the expenses of laying out, opening and improving the said road, and shall file the same in the office of the clerk of the county of Dutchess, and shall cause an accurate survey to be made of the said road, and cause a map thereof to be filed in the said county clerk's office.

III. *And be it further enacted*, That the said Lemuel Sisson, William Gorton and William Sutherland, or any two of them, are hereby authorized to sue for and recover all such sums of money as are or shall be subscribed for the use of the said road, and to lay out and expend the same on the road so to be laid out by virtue of this act; and the said road when completed, is declared to be a public highway, and to be worked and kept in repair as other highways in this state are worked and kept in repair.

IV. *And be it further enacted*, That each of the said commissioners may retain in their hands out of the monies to be collected by them, one dollar for every day they shall be necessarily employed in discharging the duties required of them by this act, and that any two of them shall form a board sufficient to do the duties required of them.

C H A P. XLVII.

C O N T E N T S.

2. Commissioners, how elected.---18. Their compensation.
3. ----- Authorized to designate where a certain road shall run.
7. ----- Proceedings of, to be recorded.
13. ----- May divide the town into road districts.
8. Gates, commissioners directed to erect and keep in repair.
 1. Highways, certain act regulating, not to extend to Shelter Island.
9. Penalty for fastening gates or obstructing roads.
15. ----- On persons refusing to work when warned.
16. ----- How applied when recovered.
4. Roads not to be laid through an orchard or garden without consent of owner.---12. Works on, how assessed.
5. ----- To be laid out, when applied for in a certain way.
6. ----- For the private use of individuals, how laid out and made.
7. ----- Description of the tracks of, &c. to be recorded.
10. ----- Not to exceed 25 nor be less than 12 feet wide.
11. ----- May be altered, if not convenient to the public, &c.
14. ----- Commissioners to keep them in repair.
19. Lands used for roads, not to be paid for.
12. Work, how assessed.---17. A team, &c. to be accounted equal to three days work.

An ACT for laying out and regulating Roads in the Town of Shelter-Island.

Passed April 3d, 1804.

WHEREAS it is represented to the legislature by the inhabitants of the said town, that no public or private roads or highways have ever been laid out on the said island, but the travelling there has been through gates and bars over inclosed fields, by the permission of the owners of the land; and that the present law if carried into execution, would be very expensive and disadvantageous to the inhabitants, who have prayed that a law similar to this may be enacted for their relief: Therefore,

- I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act to regulate highways in the counties of Suffolk, Kings, Queens and Richmond, shall not hereafter be deemed or construed to extend to the said town of Shelter-Island; but that it shall and may be lawful for the freeholders and inhabitants of the same, at their annual town meetings, to choose three of their inhabitants, being freeholders, to be commissioners for laying out, regulating and amending the roads on the said island.
- II. And be it further enacted, That the said commissioners, or a major part of them, shall have full power and authority to designate where the road shall run from the ferry, on the north-west part of the island, known by the name of Bouffeau's ferry, to the ferry on the south part of said island, known by the name of Haven's ferry, through any person's land where they shall judge it most convenient for the inhabitants and travellers: *Provided however*, That it shall not be lawful for the commissioners to designate or lay out a road through any person's orchard or garden unless by the consent of the owner or owners thereof.
- III. And be it further enacted, That whenever any of the inhabitants shall apply by writing, signed by at least three of them, to the commissioners for a road in any other direction on the said island to any mansion house, the meeting house, school house, or to any landing place, it shall and may be lawful for the said commissioners or a major part of them, at their discretion, from time to time, to designate where such road shall run through any person's land.
- IV. And be it further enacted, That whenever any person or persons, owning lands or meadows separate and apart from his or their farm or farms, shall be debarred of the privilege of passing to and from the same by any person or persons through whose land or lands it may be necessary for him or them to pass, it shall be lawful for the commissioners, and they are hereby required, upon such application, to designate where such road shall run, on which such applicant or applicants shall have a right to pass through any other person's land, through gates or bars, to his or their land or meadow; and the commissioners shall direct where such bars and gates shall be erected, the expense of which, together with the charges of the commissioners, shall be paid by the person or persons who shall apply for the same.
- V. And be it further enacted, That the commissioners shall from time to time describe in writing all the roads by them laid out, approved of, altered or closed, and subscribe the same, and cause the same to be recorded in the town records, and the clerk is hereby required to record the same; and whatever the said commissioners shall do according to the powers given to them by this act, being so recorded, shall be valid to every purpose.
- VI. And be it further enacted, That it shall be the duty of the commissioners on every road by them designated or laid out, other than private roads, wherever any fence crosses the same, to procure and erect good, sufficient and easy swinging gates,

through which travellers, teams and carriages may pass, and to maintain and keep them in repair; and if any person shall leave or fasten open, or injure or fasten up, any gate so erected or provided, or shall block up or obstruct any road designated as aforesaid, such person shall for every such offence pay the sum of two dollars, exclusive of the damage the owner or owners of the land through which the said road shall be laid out, may sustain thereby, to be recovered before any justice of the peace, the one moiety whereof shall go to the overseers of the poor of the town, for the use of the poor thereof, and the other moiety to the person who shall sue for or recover the same: *Provided however*, That nothing herein contained, shall be construed to prevent the owner or owners of the land on which such gate or gates are erected from fastening open the same, for the convenience of laying his or their fields together, or for any other purpose, or from preventing persons whose lands join each other, if they mutually agree, from doing the same.

VII. *And be it further enacted*, That all roads to be laid out or designated by virtue of this act, shall not exceed twenty-five feet in width, nor be less than twelve feet.

VIII. *And be it further enacted*, That when any road has been designated or laid out through any person's land, and it shall appear to the commissioners or the major part of them, on the application of the person, through whose land the road may run or otherways, that another road may be laid out through the same person's land, that would be as convenient as well for travellers, as for the inhabitants of said town, it shall and may be lawful for the commissioners or a major part of them, to exchange the said road already laid out by the commissioners, with the person or persons through whose land the road may run, for another road through the said person's land, which exchange being recorded agreeable to the directions of this act, shall be good and valid, and the owner and proprietor of such land shall improve and enjoy the land where such former road was laid out.

IX. *And be it further enacted*, That all freeholders and every free male inhabitant, being above the age of twenty-one years, shall be assessed to work on the roads, and that the commissioners for the said town shall meet within one month after they shall be so chosen, and make a list containing the names of all the inhabitants of the town who are in and by this act made liable to work on the roads, and shall affix to the name of each person mentioned in such list, the number of days or part of a day such person shall be liable to work on the roads in the same year, to be determined by the commissioners in proportion to the estate and ability of each person: *Provided*, That no person shall be assessed more than fifteen days, nor less than half a day.

X. *And be it further enacted*, That the commissioners of the said town or the major part of them, shall annually, if they judge the same necessary, divide the town into as many districts as there are commissioners in the town, allotting to each other one of the said districts; and it shall be the duty of the commis-

- tioners to superintend and keep in order and good repair, all the roads in the said town, that shall have been laid out or designated by them agreeable to this act, (except private roads) and shall from time to time warn all the persons assessed to work on the roads at such time and in such place as the said commissioners or any one of them may direct, and the person so warned shall bring with him such team and such implements (of which he or they shall be the owner or owners) as the said commissioner or com-
- 15 missioners may from time to time direct and appoint ; and if any person shall refuse or neglect to work upon the roads aforesaid, he shall forfeit and pay to the said commissioners the sum of nine cents for every hour he shall so refuse or neglect to work, and if the said penalty is not paid within six days after the same shall be incurred, it shall be levied, with fifty cents costs, by a warrant under the hand and seal of one of the commissioners, directed to the constable of the town aforesaid, and the constable shall levy the same by distress and sale of the goods and chattels of the offender, and pay the said penalty to the said commissioner, with twelve and an half cents for the said warrant, and to retain the other thirty-seven and an half cents for
- 16 his fees ; and the said penalty shall be applied by the commissioners towards repairing the roads in the said town.
- 17 XI. *And be it further enacted,* That a good and sufficient team, with a cart, plough, and sled, and a person to manage the same, shall be esteemed for and in lieu of three days work of one man, and the penalty for refusal or neglect shall be proportionable, and shall be levied and applied in the manner aforesaid:
- 18 XII. *And be it further enacted,* That each commissioner shall receive as a reward for his care and trouble, for every day he shall be employed in laying out and regulating the roads, and making the list and assessment in the town aforesaid, the sum of one dollar, which together with the monies necessary for the expense of making, purchasing and erecting the gates on the several roads to be laid out by virtue of this act, shall be levied and collected as the other contingent charges of the town are levied and collected.
- 19 XIII. *And be it further enacted,* That the owner or owners of the land, (through which the said roads shall from time to time be laid out and established by the said commissioners) shall not be entitled to ask, demand or receive any compensation for the road so to be laid out as aforesaid.

C H A P. XLIX.

C O N T E N T S .

4. Assessment on the roads in Kings, how made.
1. Commissioners of Highways in Kings, their duty to meet together.
6. ----- For building and repairing bridges, directed to account.
7. Highways, act regulating, extended to Kings, Queens and Suffolk.
2. Overseers of Roads in Kings, their duty.
5. Supervisors may order the raising of monies for building bridges.
3. Town Clerks in Kings, their duty.

An ACT to amend An Act, entitled "An Act to regulate Highways in the Counties of Suffolk, Queens, Kings and Richmond."

Passed April 4th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of highways for each town in the county of Kings shall meet within eighteen days after they are chosen, at the place of town meeting, on such day as they shall agree upon, and as often afterwards as need shall be, and at such time and place as they shall think meet; that each of the overseers of the road districts respectively, shall deliver a list, subscribed by such overseer, to the clerk of the town for which he is elected or appointed, within sixteen days after the day of election, which list shall contain the names of all the inhabitants in such road district who are in and by the act hereby amended made liable to work on the highways; that the said clerk shall deliver such list to the commissioners, who, or a majority of them, shall, at their next meeting, or as soon as may be thereafter, affix to the names of each person mentioned in such lists respectively the number of days which such person shall be liable to work on the highways in the same year, to be determined by the commissioners, in proportion to the estate and ability of each person; and the commissioners shall thereupon, after causing the clerk of the town to make a copy of such list, and after the said commissioners, or a majority of them, shall have subscribed the copies of such list, cause the same respectively to be delivered to the overseers of the town, who returned the same in the manner herein before mentioned, or their successors in office: *Provided always*, That if the name of any person shall be left out of such list, or there shall be an accession of new inhabitants, such persons whose names are omitted or shall move into the town, shall, from time to time, be added to the said list, and the persons be rated by the said commissioners to work on the highways: *Provided also*, That no person shall be assessed more than thirty days, nor less than one day, in one year.

II. *And be it further enacted*, That whenever the board of supervisors in any of the counties of Suffolk, Queens or Kings shall deem it necessary to raise money for erecting or repairing any necessary bridge or bridges in any town in their county, they are hereby authorized and required to direct such sum of money to be raised in such town, as will be sufficient to erect or repair such bridge or bridges as they may think proper, which money shall be levied, collected and paid at the same time, and in like manner, as the contingent charges of said county are, and shall be paid to the commissioners of highways in such town, in which it is to be expended, on the order of the supervisor thereof: *Provided*, That the supervisors shall not direct to be levied and raised in any town, a sum exceeding forty dollars in any one year, and the commissioners of said town shall immediately cause the said money or so much thereof, as they or a majority of them shall judge necessary, to be laid out in making and repairing bridges in said town, which

is to be done under their direction by such person or persons as shall by them or a majority of them be appointed for that purpose; and the said commissioners, who have received such money, shall yearly lay their accounts before the town clerk, supervisor and justices of the peace of such town, and they shall examine and audit the same, at the same time that they examine and audit the accounts of the overseers of the poor of such town, and if any of said money remains in the hands of said commissioners not expended it shall thereafter be by them laid out in making and repairing the bridges in such town, when found necessary by the said commissioners, and every of the said commissioners shall, within fifteen days after the termination of their respective offices, and when they are not re-elected, pay such money remaining in their hands as aforesaid, to their successors in office, to be by them laid out in the same manner as herein is before directed.

7 III. *And be it further enacted*, That the second section of the act, entitled "An act to regulate highways," passed the eighth of April, one thousand eight hundred and one, be extended to the counties of Kings, Queens and Suffolk.

C H A P. LIII.

C O N T E N T S.

1. Commissioners for laying out roads named....3. To take an oath.
4. Two authorized to do business....7. Their compensation.
8. Damages, how ascertained and paid.
2. Roads, breadth and route of.---9. How kept in repair.
5. Map of the survey of, &c. to be made and filed.
6. Field notes thereof to be filed.
7. Surveyor, his compensation.

An ACT to appoint Commissioners to lay out a Road from the Court House in the County of Onondaga to the Village of Oswego.

Passed April 4th, 1804.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Moses Carpenter, Medad Curtis and Asa Rice, be and they are hereby appointed
- 2 commissioners to explore and lay out a public road six rods wide on the most direct and practicable route from the court house in the county of Onondaga, to Ox-creek near where it empties into the Oswego river, and from thence to the village of Oswego: And also another public road of six rods wide leading from the point of intersection of the aforesaid road with Ox-creek, on the most direct and practicable route to the village of Salina
- 3 in the said county of Onondaga: That the said commissioners, before they enter upon the duties of their office, shall respectively take and subscribe an oath or affirmation before one of the judges of the court of common pleas for the said county faithfully and impartially to execute the duties aforesaid, and file a copy of such oath, certified by the judge before whom the same

shall be taken, in the office of the clerk of the said county ; and further that the said commissioners, or any two of them, are hereby authorized to perform the duties enjoined upon them by this act. 4

II. *And be it further enacted*, That the said commissioners shall cause to be made an accurate map of the survey of said road, which, together with the field notes of such survey, shall be filed in the office of the clerk of the county of Onondaga ; and that there shall be filed in the office of the clerks of the respective towns through which said road shall run, a copy of the field notes of such part of said road as runs through the said towns respectively. 5 6

III. *And be it further enacted*, That the said commissioners and their surveyor, respectively, shall be allowed two dollars and fifty cents per day, for every day they shall be necessarily employed in the duties aforesaid, and that their accounts shall be audited by the supervisors of the said county of Onondaga, as a part of the contingent expenses of said county, and shall be paid accordingly. 7

IV. *And be it further enacted*, That if any part of the said road shall run through inclosed or improved lands, the damages shall be appraised and paid in the same manner, as is directed in and by the fifteenth section of the act, entitled " An act to regulate high ways," and the said road shall be opened and kept in repair agreeable to the provisions of the act aforesaid. 8 9

C H A P. LXXXIII.

An ACT to amend an Act, entitled " An Act relative to unappropriated Lands in this State, to prevent Intrusions, and for other Purposes.

Passed April 9th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Nathan Sage, Henry Huntington and Jacob Brown, commissioners appointed for opening and improving the great road from Rome through Western and Redfield, and thence through township number seven, lying north of Redfield, and from thence through number one and number seven, on Sandy creek, in the county of Oneida, be, and they are hereby authorized and empowered to make such deviations on said route for opening said road as above described, between the town of Rome to and through the town of Redfield, as they may deem proper, any law to the contrary notwithstanding.

C H A P. XCV.

C O N T E N T S.

6. Commissioners, for laying out road from Troy to Batten-kill, &c.
7. And from the Long Falls to Oswegatchie, how appointed.
12. ----- Avails of lottery to be paid them.

13. Commissioners to account with the comptroller.
14. ----- To enter into bond with sureties.
16. ----- Two a quorum.---17. Their compensation.
 1. Lottery, amount authorized to be raised by.
 2. Managers appointed.---3. To enter into bond.
 4. ----- To deposit monies for safe keeping in the Farmers' Bank.
 5. ----- May adopt such scheme as they shall think proper.
 8. Roads, if laid through improved lands, damages to be paid.
 9. ----- Monies for opening and improving, how apportioned.
 10. ----- Persons advancing money, may determine on which road to be expended.---11. Money so advanced, how repaid.
15. Vacancies in the office of commissioners and managers, how filled.

An ACT for opening and improving a Road from the Town of Troy to Batten-Kill, and for opening and improving a Road from the Long Falls, on the Black River, to Oswegatchie, on the River St. Lawrence.

Passed April 9th, 1804.

- 1 I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That for the purpose of opening and improving the roads herein after mentioned, the managers herein after named shall cause to be raised by lottery twenty-two thousand dollars, together with an addition of ten per cent on
2 such sum for the expenses accruing thereon.

- II. *And be it further enacted,* That Abraham G. Lansing, Albert Pawling, and Stephen Thorn, or the survivors or survivor of them, be and they are hereby appointed managers for drawing, managing and superintending the said lottery, which shall be
3 drawn in the city of Albany.

- III. *And be it further enacted,* That each of the managers of the said lottery shall, before they enter upon the execution of the duties of their office, enter into a bond to the people of this state, with such sureties as the comptroller shall approve of, in the sum of twenty thousand dollars, conditioned for the faithful and honest discharge of the duties required of them by this act, and for rendering a just account of all their proceedings at the next
4 session of the legislature after drawing of the said lottery.

- IV. *And be it further enacted,* That the managers aforesaid shall from time to time, and as often as they shall receive the sum of one thousand dollars for the sale of tickets, deposit the same in the Farmers' Bank for safe keeping; and that as soon as the lottery shall be drawn, the managers shall pay the avails, except the sum allowed for expenses, into the treasury of this state.

- 5 V. *And be it further enacted,* That the managers aforesaid, or any two of them, shall have full power to adopt such scheme, or to manage the lottery in such manner as to them may be thought proper, and may sell, or cause to be sold, the tickets in any part of the state, except the southern district, and that the lottery shall be drawn without delay, after the sale of the tickets.

- 6 VI. *And be it further enacted,* That it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, to appoint three commissioners to lay out, open and improve the road, of

the width of four rods, from the town of Troy, in the county of Rensselaer, to Batten-kill in the town of Greenwich in the county of Washington, and to build bridges over the Batten-kill and Hoosick river.

VII. *And be it further enacted*, That Nathan Ford, Alexander J. Turner and Joseph Edfall, be and they are hereby appointed commissioners to lay out, open and improve a road of the width of six rods, from or near the head of the Long falls on the Black river, in the county of Oneida, in the best and most convenient route to the mills of Nathan Ford at Oswegatchie in the county of St. Lawrence. 7

VIII. *And be it further enacted*, That if any part of the roads as aforesaid, shall be laid through inclosed or improved lands, the owner thereof shall be paid such damages as may be sustained by reason thereof, which damages shall be determined and assessed in the manner prescribed in like cases, in and by the fifteenth section of an act, entitled "An act to regulate highways," passed the eighth of April, one thousand eight hundred and one. 8

IX. *And be it further enacted*, That ten thousand dollars of the money ordered to be raised by this act, shall be paid to the commissioners to be appointed as aforesaid, to lay out, open and improve the road from the town of Troy in the county of Rensselaer, to the Batten-kill in the town of Greenwich in the county of Washington; and that twelve thousand dollars of the money ordered to be raised by this act, shall be paid to the commissioners herein named, to lay out, open and improve a road from or near the head of the Long falls on the Black river in the county of Oneida, to the mills of Nathan Ford at Oswegatchie in the county of St. Lawrence; but if any person or persons think proper to advance money towards making any part of the said roads, it shall be optional with him or them on which of the said roads it shall be expended. 9

X. *And be it further enacted*, That it shall be lawful for any person or persons to pay into the treasury of this state, any sum or sums of money he may choose to advance for opening either of the said roads, which money so advanced shall be repaid him or them by the treasurer, on the warrant of the comptroller, with the interest, out of the avails of the said lottery, paid into the treasury as aforesaid. 11

XI. *And be it further enacted*, That it shall be lawful for the said commissioners from time to time to receive from the treasury, by warrant from the comptroller, any sum or sums of money which may be so advanced on loan as aforesaid, for opening and improving either of the said roads, and to receive from the treasurer, on the warrant of the comptroller, the avails of the said lottery, deducting the monies with the interest, which may have been paid into the treasury on loan for opening either of the said roads as aforesaid. 12

XII. *And be it further enacted*, That it shall be the duty of the said commissioners to account with the comptroller for the expenditures in opening and improving the said roads. 13

XIII. *And be it further enacted*, That each of the said com- 14

missioners, before he enters on the execution of his trust, shall enter into a bond to the people of this state, with such sureties as the comptroller of this state for the time being, shall approve of, in a sum equal to the whole sum appropriated to the road, to be by him and his colleagues opened and improved, conditioned for the faithful application of the monies to be raised as aforesaid, and which shall be entrusted to him or them, according to the directions of this act, which bond, when executed, shall be deposited in the office of the comptroller of this state; and in case the said bonds or any of them shall become forfeited, the monies to be recovered thereon shall be applied to the use of the road, the improvement whereof the defaulting commissioner or commissioners superintended.

- 15 XIV. *And be it further enacted*, That in case of the death, refusal to act, or resignation of any person or persons who are appointed by this act, to be a commissioner or commissioners, or to be a manager or managers, it shall and may be lawful for the person administering the government of this state, to supply such vacancy by the appointment of such person to fill the same, as he in his discretion shall deem meet and proper.
- 16 XV. *And be it further enacted*, That two commissioners on each road shall be deemed a quorum, who may transact all business incident to the trust reposed in them by this act.
- 17 XVI. *And be it further enacted*, That each of the commissioners to be appointed as aforesaid, shall be entitled to retain out of the monies which shall come into his or their hands, the sum of one dollar and fifty cents for every day employed in performing the duties prescribed by this act, according to such account as they shall produce, to be audited by the comptroller.

C H A P. XCVI.

C O N T E N T S.

1. Commissioners named, for opening road...5. To give bond.
4. Compensation to...6. Vacancy how filled...7. Two a quorum.
2. Monies, raised by assessment on certain lots, how appropriated.
- 1, 4. Road, commissioners to open...monies appropriated for.
3. Treasurer of the state, to pay monies to commissioners.

An ACT to enable the Inhabitants in Townships Number One and Two in Totten and Crossfield's Purchase, to open and improve a certain Road therein mentioned.

Passed April 9th, 1804.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Joseph Spier, Michael Overacker, and William Wells, be and they are hereby appointed commissioners for opening and improving a road on the most convenient and best route, from township number one and two, in Totten and Crossfield's purchase, to what is generally called Wells' settlement in the town of Mayfield in the county of Montgomery.
- 2 II. *And be it further enacted*, That all the monies which may

be paid into the treasury yearly, and every year, for the space of five years after the passing of this act, which may be assessed for taxes on unsettled lands in township number one, two, three, eight, nine and ten, in Totten and Crossfield's purchase, in the county of Montgomery, shall be and hereby is appropriated for opening and improving said road; and the treasurer of this state shall, on the warrant of the comptroller, pay unto the said commissioners by this act appointed, the said monies, as soon as the same shall come to his hands, not to exceed however the sum of three hundred dollars in the whole amount. 1

III. *And be it further enacted*, That the commissioners hereby appointed for laying out and improving said road, shall be entitled to one dollar each, for each and every day they shall be necessarily employed in the duties aforesaid. 4

IV. *And be it further enacted*, That each of the said commissioners hereby appointed, before he enters on the execution of his trust, shall enter into a bond to the people of this state, with such sureties as the comptroller of this state for the time being shall approve of, in a sum equal to the whole sum appropriated to the said road, to be by him and his colleagues opened and improved, conditioned for the faithful performance and application of the monies appropriated by this act, and which shall be entrusted to him or them, according to the directions of this act, which bond, when executed, shall be deposited in the office of the comptroller of this state; and in case the said bonds or any of them shall become forfeited, the monies to be recovered thereon shall be applied to the use of the said road. 5

V. *And be it further enacted*, That in case of the death, refusal to act, or resignation of any person appointed by this act to be a commissioner, it shall and may be lawful for the person administering the government of this state, to supply such vacancy by the appointment of such person to fill the same as he in his discretion shall deem meet and proper. 6

V. *And be it further enacted*, That two of the commissioners hereby appointed shall be deemed a quorum, who may transact all business incident to the trust reposed in them by this act. 7

C H A P. CVII.

C O N T E N T S.

8. Commissioners for improving road, appointed.
9. Their duties...10. Their compensation.
2. Purchaser how to pay purchase money.
4. When to receive letters patent for land.
5. Penalty on, for neglecting to fulfil the conditions of sale.
6. Allowed a discount on making payment before due.
7. In what case to pay interest on purchase money.
1. Surveyor General, to sell a lot of land near Onondaga salt works.
3. To give the purchaser a certificate of the purchase.

An ACT for improving the Road across the Tract of Land appropriated to the Use of the Salt Works.

Passed April 10th, 1804.

- 1 **I. BE** it enacted by the People of the State of New-York, represented in Senate and Assembly, That the surveyor general shall cause to be laid out and surveyed, two hundred and fifty acres of land where the road running south from the village of Salina crosses the road running east and west through the lots in the Onondaga reservation, appropriated to the use of the salt works, and sell the same at vendue on the first day of June next, at the hotel in the village of Utica, in manner following, to wit: The intended sale shall be advertised in the newspaper published by the printer of this state, and the two papers published in the village of Utica, at least four weeks immediately preceding the day of the sale, and a sum not less than one eighth part of the purchase money shall immediately be paid, and the remainder in three payments, one third in six months thereafter, and the other two thirds in two annual payments.
- 2 **II. And be it further enacted,** That the purchaser shall, immediately after the sale, pay to the surveyor general, for the use of the commissioners herein appointed, the said one eighth part of the purchase money, and execute a penal obligation, with one sufficient surety, conditioned for the payment of the residue in manner aforesaid, to the three commissioners herein named;
- 3 and the surveyor general, on the receipt of said obligation, and the one eighth of the purchase money aforesaid, shall give said purchaser a certificate containing a description of the land purchased, the price bid for the same, and the name of the purchaser:
- 4 And whenever the said purchaser or his legal representatives or assigns, shall produce such certificate, and a certificate from the commissioners herein appointed, of his having made the improvements required, with a receipt for the payment of the whole of the purchase money to the commissioners herein appointed, it shall be the duty of the commissioners of the land office to cancel such obligation, and to cause letters patent to issue for the said land described in the certificate, to the said
- 5 purchaser, his heirs and assigns for ever; and if any purchaser shall refuse or neglect to pay the one eighth part of the purchase money aforesaid, or to deliver such obligation to the surveyor general when required so to do as aforesaid, he shall, for every such refusal or neglect, forfeit the sum of twenty-five dollars, to be recovered with costs of suit, by the surveyor general, in an action of debt in any court having cognizance thereof, at the expense of and for the use of the people of this state, and the land shall immediately after said refusal or neglect, be immediately again exposed to sale on the same conditions.
- 6 **III. And be it further enacted,** That if said purchaser shall pay any part or the whole of said purchase money before the time herein pointed out, he shall be entitled to a discount at the rate of ten per cent per annum on the sum paid.
- 7 **IV. And be it further enacted,** That if said purchaser shall not

make improvements in building houses, barns or stables on said land, of the value of one thousand dollars, before the day on which the last payment shall become due, he shall pay interest at the rate of six per cent per annum on the whole of the purchase money from the date of the sale to the time above mentioned.

V. *And be it further enacted*, That Moses Carpenter, John Young and James Geddes, are hereby appointed commissioners to receive and lay out the money for which the above mentioned lot of land shall be sold, in improving the road running from the lot number thirty-eight, in Onondaga, to the lot number forty-nine in Manlius; and it shall be the duty of the said commissioners, as soon as they shall receive said monies from the surveyor general, or from the purchaser above mentioned, to lay out the same in improving the said road, and account with the supervisors of the county of Onondaga for the same, in six months after they shall have received the last sum due from the purchaser aforesaid: It shall likewise be the duty of said commissioners to view the improvements on the said land, made before the day on which the last payment shall become due, and after valuing the same, give the certificate contemplated by this act to be given, if said purchaser be entitled to the same: It shall further be the duty of said commissioners to take an oath or affirmation before the clerk of the county of Onondaga, faithfully to perform the duties enjoined on them by this act, and severally execute, in the presence of said clerk, bonds to the supervisors of the county of Onondaga, and their successors in office, for the sum of two thousand dollars, with such sureties as the clerk of the said county shall approve, conditioned for the faithful performance and discharge of the duties enjoined on them by this act, which bonds shall be deposited with the said clerk.

VI. *And be it further enacted*, That each of the said commissioners shall be entitled to receive out of the said monies, one dollar for each day he shall be necessarily employed in performing said duties.

C H A P. CXIII.

C O N T E N T S.

1. Literature Lotteries, managers of, to pay \$12500 into the treasury.
2. Roads, 11000 dols. to be paid to commissioners, for opening certain.
3. ----- 1500 dols. to ----- do. for opening another.
- 5, 6. ----- Sums hereby paid for opening, to be considered in part of sums directed by a former act.
4. University, regents of, to receive a certain sum from the managers of the literature lotteries.

An ACT authorizing a Loan of Money for opening and improving certain great Roads in this State.

Passed April 11th, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the managers of the lot-

- teries appointed in and by the act, entitled "An act for the promotion of literature," shall pay into the treasury of this state, out of the neat avails of the second lottery, to be drawn in pursuance of the said act, the sum of twelve thousand five hundred dollars, which is directed by the said act to be paid to the regents of the university of the state of New-York.
- 2 II. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay out of the said sum to the commissioners appointed in and by the act, entitled "An act for opening and improving certain great roads in this state," to open and improve the two roads first mentioned in the said act, the sum of eleven thousand dollars, to be divided and expended as is directed in and by the said last mentioned act.
- 3 III. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall pay unto the commissioners appointed by the act last mentioned, to lay out and improve a road through the northern towns in the county of Washington, into and through the counties of Essex and Clinton, until it intersects the line of forty-five degrees of north latitude, in the town of Champlain, the sum of fifteen hundred dollars, being the remainder of the said sum of twelve thousand five hundred dollars.
- 4 IV. *And be it further enacted,* That the managers of the lottery, appointed in and by the said last mentioned act, shall as soon as the said lottery shall be drawn, out of the avails thereof pay unto the regents of the university of the state of New-York, the said sum of twelve thousand five hundred dollars, with the interest thereof at six per cent from the time the said sum was paid into the treasury by the managers of the lotteries, appointed by the act first above mentioned.
- 5 V. *And be it further enacted,* That the said sum of eleven thousand dollars, so to be received by the said commissioners, to lay out and improve the said two roads above mentioned, with the interest as aforesaid, shall be considered as part of the sum to be paid to them in pursuance of the last mentioned act.
- 6 VI. *And be it further enacted,* That the said sum of fifteen hundred dollars, so to be received by the commissioners for that purpose mentioned in this act, to lay out and improve the other road above mentioned with the interest as aforesaid, shall be considered as part of the sum of ten thousand dollars, directed to be paid them by the last mentioned act.

C H A P. CXVI.

An ACT authorizing an Alteration to be made in the Road lately laid out by Charles Selden, Benjamin Smith and Albert Pawling.

Passed April 11th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of highways, for the time being, in the town of Shawangunk, in the county of Ulster, are hereby authorized, empowered and directed, without delay, after they have received notice of this act,

to make the following alterations in the road laid out by Charles Selden, Benjamin Smith and Albert Pawling, by virtue of an act, entitled "An act relative to the road leading from the city of Albany to the Orange turnpike," passed 2d April, 1803, viz. Beginning at a small bridge which is a little distance north-westerly from the house of Henry Van Weyant, and from thence nearly straight, so as to intersect the said road already laid out by the said Charles Selden, Benjamin Smith and Albert Pawling, on the most northerly and highest bank of the Dwarfe-kill, where it crosses the same near the dwelling house of James Kain, esquire, which alteration when made, shall be considered as a part of the said road, to be paid for and opened in like manner as if it had been laid out on that place by the said Charles Selden, Benjamin Smith and Albert Pawling, by virtue of the powers given them by said act.

II. *And be it further enacted*, That it shall be the duty of the secretary of state of this state to make out a copy of so much of the return of the said road, laid out by the said Charles Selden, Benjamin Smith and Albert Pawling, for each of the towns through which said road leads, as the said towns shall be respectively interested in, without charging any fee for the same, to be delivered to the said town clerks, or their orders respectively, which the said town clerks shall enter on the records of the town, and which shall become a part of the records of highways of said towns respectively.

Turnpikes.

C H A P. XXVI.

C O N T E N T S.

3. Ancram Turnpike Company incorporated...11. Their privileges.
5. Directors, number of...6. When chosen...9. First board named.
12. Expenses, to be borne by each company separately.
10. Road how to be made.
7. President, how appointed...8. First President named.
7. Treasurer, to be appointed by the directors.
2. Stock, Susquehannah amount of...4. Ancram, 1200 shares.
1. Susquehannah Turnpike, part of road, exonerated from making.

An ACT relative to the Susquehannah Turnpike Road.

Passed March 20th, 1804.

WHEREAS the president, directors and company of the Susquehannah Turnpike, by their petition under their common seal, presented to the legislature at their present session, have set forth, that by a contract tripartite, executed between the said president and directors, the stockholders of said company, and John Livingston and Henry Livingston, of the manor of Livingston, esquires, the stock and interest of said company was severed at the Hudson's river; that on the east side was transferred to the said Livingstons, together with twelve hundred shares of the stock of said company not disposed of; that on the west

retained by the residue of the stockholders : *And whereas* the interest of the public and the convenience of the stockholders require that there should be two separate and independent companies : Therefore,

- 1 I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That so much of the act, entitled " An act to establish a turnpike corporation for improving and making a road from the town of Salisbury, in the state of Connecticut, to Wattles's ferry, on the Susquehannah river," as requires of or enjoins it upon the said company to make the said road on the east side of Hudson's river, be and the same is hereby repealed.
- 2 II. *And be it further enacted,* That the stock of the said company, on the west side of Hudson's river, shall be and remain five thousand eight hundred shares and no more ; and the concerns of the said company shall, after the next annual election for directors, be managed and conducted by nine directors instead of thirteen.
- 3 III. *And be it further enacted,* That all that part of the road described in the before recited act, laying between the town of Salisbury and the Hudson's river, shall be and hereby is erected into a separate corporation, in fact and in name, by the name of the president, directors and company of the Ancram turnpike
- 4 road ; and the stock of the said last mentioned company shall consist of twelve hundred shares.
- 5 IV. *And be it further enacted,* That the concerns of the said Ancram turnpike road shall be managed by five directors and a treasurer, who shall be stockholders ; and the first Tuesday of
- 6 September in every year shall, for ever hereafter, be the day of choosing directors ; and any three of the said directors shall be a quorum, and capable of transacting the business of said corporation ; and every act of a majority of the said directors so met
- 7 shall be binding on the said corporation ; and the said directors, elected by a plurality of the votes of the stockholders, shall immediately proceed to the choice of one of their number for pre-
- 8 sident, and also to appoint a treasurer ; and that the said presi-
- 9 dent, until the said election, shall be Henry Livingston ; and the said directors, John Livingston, William W. Van Nefs, Ezekiel Gilbert and Moncrief Livingston, who shall also have the power to appoint a treasurer.
- 10 V. *And be it further enacted,* That the said road on the east side of Hudson's river shall be made and kept in repair in the same manner as directed by the act referred to in the first section of this
- 11 act ; and the said Ancram Turnpike company shall further have the same privileges, and be subject to the same restrictions and penalties, so far as respects the said road on the east side of the Hudson's river, as is contained in the above recited act, as fully and effectually as if the particular privileges and liabilities were herein again enumerated and re-inserted.
- 12 VI. *And be it further enacted,* That all costs and expenses that have or may occur in making, keeping in repair, or superintending the aforesaid road, toll-houses, gates, turnpikes, and every thing incident thereto, shall be borne exclusively by the

respective corporations, as separate and independent companies, that is to say, that part of the road on the west side, by the corporation first in this act mentioned, and that on the east side by the corporation hereby created.

C H A P. XXXII.

C O N T E N T S .

- 41, 42, 43. Accounts of income, dividends and expense, how kept---- to be rendered to the comptroller.
- 24, 47. Bridges, how constructed and made...44. Where to be built.
13. Bye-Laws, &c. directors authorized to make.
5. Commissioners for receiv. subscriptions named...6. To open books.
9. ----- Their duty as it respects the first election of directors.
26. ----- For determining whether road be finished, how appointed:
49. ----- For examining road when out of repair, how appointed.
1. Company incorporated...3. Stile and corporate rights.
48. ----- For what causes to be dissolved.
50. Compensation to commissioners.---20. And to appraisers. &c.
- 44, 47. Croton River, bridge to be built over, and how constructed.
9. Directors, thirteen to be chosen...11. Seven a quorum.
41. Dividends, when declared...43. Accounts of, to whom rendered.
10. Election, anniversary day of...14. Votes to be given at, limited.
4. Estate, real, which company may hold, limited.
42. Expense of making road, acct. of to be lodged with comptroller.
22. Garden, road not to be made through without consent of owner.
27. Gates, when to be erected...29. Number, and where to be erected.
45. ----- One may be erected on bridge over Croton river.
- 34, 35. Guide Posts and Mile Stones to be erected.
18. Lands, may be entered upon and road laid through.
19. ----- Value how ascertained...20. When paid for to vest in comp.
21. ----- To be paid for before road be made through.
- 34, 35. Mile Stones and Guide Posts to be erected.
37. Penalties, for injuring mile stones, forcibly passing gates, &c.
39. ----- On toll-gatherers for misconduct.
12. President...16. And President pro tempore, how chosen.
15. Proxy, stockholders may vote by...14. Votes limited.
2. Road, direction of...23, 28. How constructed and made.
8. Shares, sum payable at subscribing..17. Number..40. Transferable.
25. Stock may be encreased.
7. Subscription Books, form of entry in.
31. Toll, rates of, prescribed...36. Lists of rates to be affixed at gates.
33. ----- Persons living within 4 miles of gates, may compound for.
38. ----- Who exempt from the payment of.
46. ----- Rates of, at Croton bridge.
30. Toll-Gatherers, when appointed...39. Penalty on.
32. ----- May detain persons refusing to pay toll.

An ACT to incorporate the Highland Turnpike Company.

Passed March 24th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That William Edgar, Joseph Howland, Philip Van Cortlandt, Pierre Van Cortlandt, junior, William Keymeefs, William Street, Daniel Delavan, Isaac Van Wyck, Gilbert Livingston, Daniel C. Verplank, and Philip Ver-

- plank, and all such other persons as shall associate for the purpose of making a good and sufficient road, beginning at or near the house of Matthew Gage in the town of Mount-Pleasant, in the county of Westchester; from thence to and across Croton river, near the house of Philip Van Cortlandt; and from thence to and through the village of Peekskill in the town of Cortlandt, in the said county; and from thence by the nearest and most eligible route, and as near the present post-road as circumstances will admit, to or near the churches in the town of Fishkill in the county of Dutchess, be and hereby are created and made a corporation and body politic in fact and in name, by the name of "the President, Directors and Company of the Highland Turnpike," and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record, or in any other place whatsoever: *Provided however*, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed in value ten thousand dollars, and that such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.
- II. *And be it further enacted*, That William Edgar, William Denning, Thomas Storm, Philip Van Cortlandt, Joseph Howland, Gilbert Livingston, Daniel W. Birdsall, Isaac Van Wyck and William Keymeefs, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say:—They shall on or before the first day of June next, procure nine books and in each of them enter as follows: "We whose names are hereunto subscribed do, for ourselves and our legal representatives, promise to pay to the president, directors and company of the Highland turnpike, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions, and every subscriber shall at the time of subscribing pay unto either of the said commissioners five dollars, for each share so subscribed; and the said commissioners shall as soon as six hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers in the city of New-York, and in the town of Poughkeepsie, giving at least thirty days notice of the time and place, when and where the said subscribers shall meet, for the purpose of choosing thirteen directors (who shall be stockholders) for the purpose of managing the concerns of the company for one year; and that the first Wednesday of June in every year, shall for ever

thereafter be the day for choosing directors, and any seven of the 11
 said directors shall be a quorum and capable of transacting the
 business of the said corporation, and every act of a majority of
 the directors so met, shall be binding on the said corporation ;
 and the said directors elected by a plurality of the stockholders 12
 present, shall immediately proceed to the choice of one of their
 number for president ; and the said president and directors may 13
 meet from time to time, and shall have power to make such by-
 laws, rules, orders, and regulations, not inconsistent with the
 constitution or laws of this state, or of the United States, as may
 be necessary for the well ordering the affairs of the said corpora-
 tion : *Provided*, That no stockholder shall have more than fifty 14
 votes, whatever number of shares he may be entitled to, and that
 each stockholder shall be entitled to one vote for each share by
 him held under the said number ; and that the said votes may be 15
 given either in person or by proxy.

III. *And be it further enacted*, That in case of the death, inabil- 16
 ity or absence of the president, a quorum of the directors met
 may choose or appoint a president pro tempore, and shall and
 may proceed and transact the business of the said corporation in
 like manner as if the president were present.

IV. *And be it further enacted*, That the said president and di- 17
 rectors may continue to receive subscriptions to the stock of the
 said corporation, until there shall be three thousand two hundred
 shares subscribed.

V. *And be it further enacted*, That the said corporation by the 18
 president and directors or by any agent, superintendent, artist or
 other person employed in their service, with their carriages,
 beasts, tools and implements, may enter into any land where the
 said road is to be constructed, and to lay out and survey such
 routes or tracks as shall be most practicable for effecting a good
 and sufficient road on the route aforesaid ; and the said president 19
 and directors may contract with the owners of the said land for
 the purchase of so much thereof, as shall be necessary for the pur-
 pose of making the said road, and for erecting and establishing
 gates, toll-houses, and all other works to the said road belong-
 ing ; the said president and directors paying the owner or own-
 ers of the land so to be laid out as part of the said road, the
 value of such land, together with such reasonable sum for damages
 as may be agreed on, and in case of disagreement between the
 said parties respecting the damages to be done to the said land,
 or if the owner or owners shall be femes covert, insane or under
 age, or out of the county, then it shall and may be lawful for the
 said president and directors to apply to one of the judges of the
 court of common pleas of the county in which the said lands shall
 be situate, residing nearest to the land to be appraised, and who
 is not interested in said road or lands, who is hereby authorized
 and required to nominate and by warrants under his hand and seal
 to appoint three appraisers, being freeholders of the said county,
 and who shall not be inhabitants of any of the towns through
 which the said road shall pass, or interested in the said road, or
 the lands to be appraised as herein after directed ; and it shall

be the duty of the said president and directors to cause such warrants to be delivered to each of the said appraisers, who, or any two of them, shall thereupon name a day for meeting on the said lands, and performing the duties required of them by this act, and also to give notice to the owner or owners of such land, of the said appointment, and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet, for the purpose of examining the lands and assessing the damages, except in case the owner or owners shall labor under any of the disabilities aforesaid, or be out of the county, in either of which cases a copy of such notice may be left at the dwelling house (if any) of the party or other notorious place on the land, through which said road shall pass: *And further*, each of the said appraisers shall before he proceeds to exercise the trust reposed in him by this act, take and subscribe an oath or affirmation before one of the justices of the peace in and for said county, that he will, without favor or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements, which the said corporation may deem necessary for said road: And the commissioners shall then proceed to view the premises, and having determined the damages shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, stating the amount of damages (if any) which each or any of the owner or owners of any parcels of land used or to be used for said road, have sustained or shall sustain, which inquisition shall be acknowledged by the appraisers signing the same, before one of the judges aforesaid, and filed, together with the oath aforesaid, in the office of the clerk of the county where the land shall be situate, who shall at the expense of the president and directors of the said company, enter the same of record in the book kept by him for recording deeds; and the said corporation paying to the said several owners of the said land the several sums awarded by such inquisition, shall have and hold, to them, their successors and assigns for ever, the lands and tenements described therein; and the president and directors aforesaid shall pay to the judge who made the appointment of such appraisers two dollars for his service, and to each of the said appraisers for every day necessarily attending the duties required of them by this act, three dollars: *Provided*, That nothing in this act contained shall be construed to authorize the said president and directors or any other person whatsoever to enter upon such lands, and thereon make the said road until they have paid or tendered the value of the said land, together with such damages as may be agreed upon, or appraised, according to the provision of this act, or in case of the absence of such person to deposit the same in the office of the clerk of the county where such land or damages shall be appraised, for the use of the owner of such land: *And provided also*, That nothing in this act shall be construed to authorize the said president and directors to make said road through any garden without the consent of the owner, if such garden shall have been cultivated as such at least ten years before such road shall be laid out.

VI. *And be it further enacted*, That the said president, directors and company shall cause the said road to be laid out at least four rods wide, twenty-eight feet of which shall be bedded with stone, gravel or wood, compacted together, and of sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or broken stone, so as to afford a surface as even as the materials will admit, rising towards the middle by a gradual arch; or where a bridge or bridges are necessary, such bridge or bridges shall not be less than twenty feet wide, and they shall, during the continuance of this act, maintain and keep the same in good order and repair; and for this purpose, in case the aforesaid stock shall be found insufficient to finish and keep in repair the said road, it shall be lawful for the president, directors and company, to lay an additional sum on each share, not exceeding five dollars.

VII. *And be it further enacted*, That as soon as the said president, directors and company shall have completed ten miles of the said road, then it shall be lawful for the said president, directors and company to give notice to the governor of this state, who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same, and report to him in writing, whether the said road is so far completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report be in the affirmative then it shall be lawful for the governor, and it is hereby made his duty, by licence under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road; and when another ten miles of the said road shall be completed, according to the true intent and meaning of this act, and after obtaining licence from the governor as aforesaid, it shall and may be lawful for the president, directors and company to erect another gate and turnpike across the said road, at such place as they shall think proper, and in like manner to erect gates after completing every other ten miles (if the remainder of the road should be ten miles) in form aforesaid prescribed; and where other roads intersect said turnpike road, the said turnpike shall be so formed that carriages may conveniently go on and off said road: *Provided nevertheless*, That there shall be but three gates erected on such road, one whereof shall be south of the churches in the town of Fishkill, and as near the same as shall be deemed expedient by the incorporation, one other whereof shall be between the house of Daniel W. Birdfall and the new bridge, and shall be three miles or more from the house of the said Daniel, and at least four miles distant from the said bridge, and the third not more than ten and a half miles, or less than nine and a half miles from the second gate.

VIII. *And be it further enacted*, That as soon as the whole or any part of the road shall be completed, and permission to erect a gate or gates as aforesaid granted, the said president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, the tolls and duties herein after mentioned, and no more, at each of the said

- 21 gates, viz : for every score of sheep or hogs, six cents ; for every score of cattle, horses or mules, twelve and an half cents, and so in proportion for a greater or less number ; for every horse and rider, or led horse, five cents ; for every sulkey, chair or chaise, with one horse and two wheels, twelve and an half cents ; for every chariot, coach, coachee, curricule or phaeton, thirty-seven and an half cents ; for every stage-waggon, or other four wheeled carriage or stage sleigh drawn by two horses, and for every cart or waggon drawn by two oxen or two horses, twelve and an half cents, and three cents for every additional horse or ox ; for every sleigh or sled, six cents if drawn by two horses or two oxen, and in like proportion if drawn by a greater or less number of horses or oxen ; and it shall and may be lawful for any of the said toll-gatherers to stop any person riding, leading or driving any of the herein enumerated articles, from passing through the said gates or turnpikes until they shall have respectively paid
- 22 the toll, not exceeding the rates above specified : *Provided always,* That it shall and may be lawful for any person or persons, residing within four miles of any of the said gates or turnpikes, to be erected on the said road, to compound by the year with the president and directors of the said corporation for the privilege of using the said road and using the said gates or turnpikes ; and in case any such person or persons shall not be able to agree with the said president and directors upon the rate of composition, the same shall be determined in the manner provided by the fifth section of this act for ascertaining the value of lands that may be included in such road, except that it shall not be necessary for the inquisition or award of the commissioners to be acknowledged and recorded.
- 23 IX. *And be it further enacted,* That the said corporation shall cause mile stones to be erected or placed one for each and every mile of the said road, and on each stone placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from
- 24 the city of New-York ; and shall also erect guide posts at the intersection of all public roads leading into and from said turnpike, and to which posts boards shall be attached, on which shall be indicated the place to which such intersecting road shall lead ; and the said corporation shall be at liberty to make use of the mile stones, guide posts and boards now erected on the present post
- 25 road for the purposes aforesaid ; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.
- 26 X. *And be it further enacted,* That if any person shall break or throw down or deface the mile stones, guide posts or boards so erected, or shall break, cut or destroy any of the turnpikes or gates which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty-five dollars nor less than three dollars, to be recovered by the treasurer of the corporation to their use in an action of trespass ; and if any person shall, with his team, carriage or horse, or driving hogs, sheep, cattle, mules, or any

other article liable to pay toll by this act, turn out of said road to pass the said gates on grounds adjacent thereto, and again enter on said road, with an intent to avoid the toll due by virtue of this act, such person shall forfeit and pay the sum of five dollars, to be recovered by the said treasurer in an action of debt : *Pro-* 38
vided nevertheless, That nothing in this act shall be construed so as to enable the said president and directors to receive toll of or from any person passing to or from his or her common business on his or her farm, or to or from any mill, not carrying a less quantity than half a bushel of grain, meal or flour, for the use of his or her family, to or from any funeral, to or from public worship on Sunday, or to or from any public landing, not passing thereto on said road more than two miles, or to or from a blacksmith's shop to which he usually resorts, or from any person or persons who are entitled to vote, when going to or returning from town meeting or election for the purpose of giving a vote, or from any person going to or returning with a physician or midwife, or from any juror or witness going to or returning from court, having been legally summoned or subpoenaed, or from any troops in the service of this state or of the United States, or for any artillery waggons, and other carriages or stores of any kind in the service of, or belonging to this state or the United States, or from any person or persons going to or returning from any training where, by the laws of this state, they are required to attend ; and whenever any person or persons shall claim to be exempt from paying toll by virtue of any of the exceptions aforesaid, he, she or they shall produce to the toll-gatherer sufficient testimony, that they are respectively entitled to be exempted as aforesaid, before they shall receive the benefit of any of such exemption.

XI. *And be it further enacted*, That if any toll-gatherer shall 39 unreasonably delay or hinder any traveller or passenger at any gate, or shall demand or receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the county where the offence shall be committed, for the sole use of the person so unreasonably hindered or attempted to be defrauded.

XII. *And be it further enacted*, That the shares in the said 40 turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and the transfers of said shares shall be made and entered on the books of the said president, directors and company.

XIII. *And be it further enacted*, That the president and direc- 41 tors shall keep a just and fair account of all monies received by the collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday of January and July in every year, publish the half yearly dividend to be made of the clear profits amongst the stockholders, and of the times

and places when and where the same will be paid, and shall cause the same to be paid accordingly.

42 XIV. *And be it further enacted*, That within six months after the said road is completed the said president and directors shall lodge in the comptroller's office of this state an account of the
43 expense thereof; and the corporation shall annually exhibit to the comptroller a true account of all the income arising from said toll, with the annual disbursements on said road.

44 XV. *And be it further enacted*, That the said president, directors and company, shall construct a bridge across the mouth of
45 Croton river, at or near the place mentioned in the first section of this act, and erect a gate and turnpike upon and across the said
46 bridge, and may ask, demand and receive from all and every person or persons who shall pass over the same, the like tolls and duties as are herein before granted for passing any one of the other gates to be erected on said road; and also two cents for every foot passenger who shall cross the said bridge, with the like exceptions as are mentioned in the tenth section of this act:

47 *Provided always*, That the said bridge shall not be considered as a part of the distance on said road; and that nothing in this act contained, shall authorize the said president or directors or any other person whatsoever to build a bridge across Croton river aforesaid, unless in making such bridge, there shall be an opening across the channel of the said river between the abutments thereof, at least twenty-four feet in width, which bridge shall be constructed with good and sufficient draw gates, not less than eighteen feet in width for the passage of vessels at all times of the tide with fixed standing masts; and it shall be the duty of all such person or persons who shall open said gates after the passage of any vessel or vessels, to shut and carefully close the same.

48 XVI. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from said toll, shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with an interest of fourteen per centum per annum; and thereupon, the right, interest and property of said road, shall be vested in the people of this state, and be and remain at their disposal: *Provided*, That if the said corporation shall not commence their operations upon said road within two years after passing this act, or shall not within eight years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases this act shall cease, be void and of no effect.

49 XVII. *And be it further enacted*, That three disinterested freeholders shall be appointed by the governor and council of appointment, whose duty it shall be upon complaint made on reasonable grounds, to examine the said road from time to time, and whenever they shall find the same out of repair, to order the tollgate on such part of the said road as shall be out of repair, to be kept open until it shall in their opinion be well and sufficiently amended and repaired; and that the said commissioners shall have and receive as a compensation for their services respective-

ly, the sum of two dollars for each day they shall be necessarily engaged in viewing and inspecting the said road : *Provided*, such viewing and inspection do not exceed two days in any one month of the year, which said compensation shall be paid to such commissioners by the said president, directors and company.

XIX. *And be it further enacted*, That this act shall be and the same is hereby declared to be a public act.

C H A P. LVI.

An ACT for increasing the Stock, and further amending the Act incorporating the First Company of the Great Western Turnpike Road.

Passed April 4th, 1804.

IN compliance with the petition of the president, directors and first company of the great western turnpike road,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful to and for the president and directors of the said company, from time to time in their discretion, to require the stockholders of the said company to pay such sums, in addition to the forty dollars composing a share of the stock of the said company, as they shall deem proper, not exceeding in the whole the sum of thirty dollars on each share : *Provided*, That the sum required by the first requisition of such additional sum shall not exceed five dollars on each share ; and that if any of the present stockholders of the said company shall neglect or refuse to pay such sum of five dollars, or less sum required, on or before the time for that purpose appointed in manner aforesaid, such stockholder shall be deemed to have waved his or her right of increasing the sum payable on each share, as to the shares to which such neglect or refusal shall relate ; that as soon as conveniently may be after the time appointed for such payment, the said president and directors shall so arrange the aggregate amount of the stock waved as aforesaid, as to correspond with such increased shares, and dispose thereof at public auction for the benefit of all the stockholders of the said company ; and that if there shall be any excess from the production of such sale beyond the original value of forty dollars on each share, such excess shall be added to the half yearly dividend to be made next after such sale, and paid to the stockholders of the shares existing immediately before the passing of this act, in rateable proportions.

II. *And be it further enacted*, That it shall be lawful to and for the said president and directors, from time to time, to compound with all or any person or persons inhabiting the country adjacent to or near the said turnpike, for the toll which may accrue or become payable for passing the two or either of the gates nearest the place of abode of such person so compounding, and between which such place of abode shall be situate, so as that any such composition shall not exceed the term of one year.

III. *And be it further enacted*, That if any carriage contain-

ing one or more persons, going to or coming from any place of public worship, shall convey any articles exceeding one hundred and fifty pounds in weight, not attached to such persons, such carriage, and the animals drawing the same, shall not be exempted from toll.

C H A P. LXXI.

C O N T E N T S .

41. Account of Expense of making road, to be lodged with comptrol.
26. Appraisers, and judge who appoints them, their compensation.
67. Bridge, how built...76. No other to be built within 2 miles of.
54. Bridge Company incorporated...55. Style and corporate rights...
63, 72, 81. For what causes to be dissolved.
- 15, 63. Bye-Laws, directors of each company authorized to make.
20. Chenango River, bridges to be maintained over certain branches of.
56. Commissioner for receiving subscription for bridge, appointed.
57. ----- Form of entry in his book...59. His duty.
3. Commissioners for receiving subscriptions for road, appointed.
4. ----- Form of entry in their books...7, 18. Their duty.
21. ----- For laying out road, how appointed, and their duty.
48. ----- For inspecting roads, how appointed, and duty...53. Oath.
- 22, 52. Compensation to commissioners...26. To appraisers, &c.
- 1, 54. Companies incorporated---See *Bridge---Road*.
- 12, 60. Corporations not to be dissolved on account of elections not
being held on the anniversary day.
8. Directors of Road Company how chosen...13. Seven a quorum.
19. ----- May appoint officers, &c...43. To render accounts.
59. ----- Of the Bridge Company, how chosen...61. Three a quorum.
66. ----- May appoint officers, &c.
- 42, 79. Dividends, when to be declared..43. Accounts of to be exhibited.
8. Election, of road directors..59. Of bridge directors...9, 10, 59. How
conducted...anniversary day of...8, 59. To be by ballot.
28. Gates, on road, when to be erected...51. When to be opened.
23. Lands for road, may be contracted for.
24. ----- Disagreement as to value of, how determined.
25. ----- Not to be taken till paid for.
35. Mile Stones to be erected.
36. Penalty for injuring mile stones, gates, &c...74. Or bridge.
37. ----- For leaving the road to avoid the payment of.
50. ----- On corporation for neglect in putting road in repair.
- 38, 80. --- On toll-gatherers for unreasonably detaining passengers.
- 14, 62. Presidents, how chosen...17, 65. Absence how supplied.
- 11, 60. Proxy, stockholders may vote at elections by.
27. Road, how to be constructed...47. To form 3 inspection districts.
49. ----- To be repaired, when required by inspecting committee.
1. Road Company incorporated---style and corporate rights.
2. ----- Estate to be held by...46. For what causes to be dissolved.
- 5, 58. Stock, sum to be paid on subscribing...6, 57. Numb. of shares.
- 44, 73. ----- Payable on requisition---40---Who may not hold.
- 45, 77. ----- May be encreased...39, 78. Transferable.
- 30, 69. Toll, rates of, for passing on road and bridge, prescribed.
- 41, 71. ----- May be lessened...34, 70. Lists of, to be affixed at gates.
- 32, 33. ----- What persons and carriages, exempt from payment of.
- 29, 75. Toll-Gatherers, when to be appointed, and their duty.
31. ----- To detain persons refusing to pay toll.

32. Toll-Gatherers, penalties on, in what case companies liable for.
 16, 64. Vacancies in the boards of directors, how filled.
 11, 60. Votes apportioned.

An ACT to establish a Turnpike Corporation for improving and making a Road from the Susquehannah River in the Town of Jerico, in Chenango County, to the Town of Bath, in the County of Steuben, and to incorporate the Jerico Bridge Company.

Passed April 7th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Benjamin S. Carpenter, Joseph Julliard, Elitha Smith, John Johnson, Elick L. Hartshorn, Frederick A. De Zeng, Jonathan Parker, Platt Brush, Eleazer Dana, and all such others as shall associate for the purpose of making a good and sufficient road, running from the Susquehannah river, opposite or near to where the Ulster and Delaware turnpike road shall terminate on the said river, by the most direct practicable route to the town of Bath, in the county of Steuben, along or near to the heads of the Cayuga and Seneca lakes, their successors and assigns, be and are hereby created a body corporate and politic, by the name of "the President and Directors of the Susquehannah and Bath turnpike road company," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purposes whatsoever.

II. *And be it further enacted*, That Benjamin S. Carpenter, Elitha Smith, John Johnson, Frederick A. De Zeng and Eleazer Dana, be and they are hereby appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: Each of the said commissioners shall furnish himself with a book in which shall be written—"We whose names are hereunto subscribed respectively promise to pay to the president and directors of the Susquehannah and Bath turnpike road company, the sum of twenty-five dollars for every share of the stock thereof, set opposite to our respective names, in such manner and proportion, and at such time and place, as the said president and directors shall from time to time require:" That such books shall be kept open for receiving subscriptions, and every subscriber shall at the time of subscribing pay one dollar for each share subscribed to the commissioner in whose book he shall so subscribe: That the stock of the said company may consist of twelve thousand shares; that as soon as five hundred shares shall have

been subscribed, the said commissioners shall cause an advertisement to be inserted in one of the public newspapers printed in Kingston in Ulster county, in the village of Owego in Tioga county, and in Cooperstown in the county of Otsego, giving at least twenty days notice of the time and place when and where the said subscribers shall meet to choose thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the company until the first Monday in October next after such election ; and the said directors shall be chosen by ballot by the stockholders then present, at which said first election such of the said commissioners as shall be then and there present shall preside ; and the said first Monday in October shall for ever thereafter be the anniversary day for choosing directors ; and that at every subsequent election the stockholders present shall, by plurality of votes, elect three of their number to preside at such election ; that the persons so presiding shall receive the ballots at such election, and immediately after the election shall be closed, openly estimate the votes, and thereupon make and subscribe a certificate of the result of such election, specifying the names of the stockholders so elected, and make return thereof to the said president and directors at their next meeting after such election ; that every stockholder shall, either in person or by proxy, at every such election, be entitled to one vote for every share he shall hold to the number of ten shares, and one additional vote for every ten shares he shall hold above the number of ten shares ; that if such election shall not be held on any of the said annual election days, it shall be lawful to make such election at any other day, to be appointed for that purpose by the said president and directors, in like manner, and with like effect, as if the same had been held at the usual time, and the directors in office shall in that case be incapacitated, after the said anniversary election day, from performing any act as directors, other than such as may be necessary to give such election effect ; that any seven of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and any act of the majority of the directors so met shall be binding on the said corporation : And after every such election the said directors elected shall, immediately after having met, proceed to elect by ballot one of their number for president, and the said president and directors may meet from time to time at such place as they may find expedient and direct ; and they shall have the power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they shall deem necessary for the well ordering the affairs of the said corporation : That in case of vacancy by death, resignation or otherwise, in the office of director, the other directors in office may by a majority of votes supply such vacancy until the next annual election day ; that whenever the president shall be absent from any of the meetings of the directors, the directors present may by plurality of votes appoint another of their number president for the meeting, and they shall and may proceed and transact the business of the said corporation

in like manner as if the president was present: And that at the 18 first meeting of the first directors, to be chosen as aforesaid by the stockholders, the said commissioners above named shall deliver their respective subscription books, and pay over the monies received by them respectively on such subscriptions, to the president and directors of the said corporation: That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall have been twelve thousand shares subscribed; and shall have power to appoint 19 such officers, agents, clerks, artists, workmen and others under them, as shall be necessary for executing the business of the said corporation.

III. *And be it further enacted,* That the said president and di- 20 rectors shall at all times during the continuance of this incorporation, maintain and support good and sufficient bridges of at least twenty feet wide, over and across the several boatable branches of the Chenango river, in the road to be laid out by virtue of this act, free of all expense to the public, which shall be so built and constructed as in no way to obstruct the passage of boats, arks or rafts; and that every bridge to be erected across the said road shall not be of a less width than twenty feet.

IV. *And be it further enacted,* That it shall be and hereby is 21 made the duty of three commissioners, not interested in the turnpike, who shall be nominated and appointed by the person administering the government of this state, or any two of them, to lay out such road according to the best of their judgment and understanding, without favor or partiality, in such manner that the object of the corporation and the general interest of the public shall be in the best manner effected: And it shall be the duty of the said commissioners to deposit and cause to be recorded in the office of the clerk of every county through which such road shall pass, an accurate map of the survey of the same in such county, designating the several particular points through which it shall pass: And each of which commissioners, for their services afore- 22 said, shall be allowed at the rate of three dollars a day for every day they shall be necessarily employed in the services aforesaid, to be paid, together with the expense of surveying and recording the said map, by the said corporation: And the president and 23 directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll houses, and all other works to the said road belonging: And in case of disagreement between the said parties 24 with respect to the value of the land, so as aforesaid to be laid out, and the damages, if any, to be done to the said land, or if the owner or owners shall be feme covert, insane, under age or out of the country, then and in either such case it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas in and for the county in which such land shall be situated, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument signed by him, to appoint three appraisers, being freehold-

- ers of the said county, and who shall not be inhabitants of any of the towns through which the said road shall pass, or interested in the said road, or the land to be appraised : And it shall be the duty of the said president and directors to give notice to the said appraisers of their appointment, who, or any two of whom, shall thereupon name a day for meeting on the land and performing the duties required of them by this act, which day shall not be more than ten nor less than four days from such notice of their appointment : And the said president and directors shall give at least four days notice to the owner or owners of such land, of the time when and the place where the said appraisers shall meet for the purpose of viewing the land and assessing the damages, except in case the owner or owners shall labor under any of the disabilities aforesaid, or be absent, in either of which cases a copy of such notice may be left at the dwelling house of any of the party, or other notorious place on the land through which such road shall pass : And further, each of the said appraisers shall, before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation in writing, before one of the justices of the peace of the said county for which he shall be so appointed, that he will, without favor or partiality, estimate and assess the damages which may be sustained by the owner or owners of the land or improvements which the said corporation may deem necessary to take and appropriate for said road ; and the said appraisers shall then proceed to view the premises, and having ascertained and determined the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the lands and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for such road, have sustained or will sustain, which inquisition shall be acknowledged by the appraisers signing the same before one of the judges aforesaid and then by them filed, together with the affidavit aforesaid, in the office of the clerk of the county in which such land shall be situated, within thirty days after such view shall be had and inquisition made by the said appraisers ; and the said clerk shall, at the expense and costs of the said president, directors and company, enter the same of record in the book kept by him for recording deeds ; and the president and directors aforesaid, upon paying the said several owners of the said land the several sums so assessed and awarded by the said appraisers in their said inquisition, shall and may have and hold, to them and their successors and assigns for ever, the lands and tene-
25 ments in the said inquisition described : *Provided*, That nothing in this act contained shall be construed to authorize the said president and directors to enter upon such land for the purpose of making such road thereon, until they shall have paid such damages as may be agreed upon or appraised, according to the provision of this act, if the same shall be lawfully demanded.
- 26 V. *And be it further enacted*, That the said president and directors shall pay to the judge who shall appoint the appraisers to assess the damages aforesaid, one dollar and fifty cents for

his services ; and to each of the said appraisers for every day necessarily attending to perform the duties required by this act, two dollars and fifty cents.

VI. *And be it further enacted,* That the said president, directors and company, shall cause a road to be opened and kept open, four rods wide, which shall be thirty-three feet between the ditches on each side thereof, twenty-five feet whereof shall, where necessary, be bedded with stone, gravel, sound wood, or other hard substance, well compacted together, and of sufficient depth to secure a good and solid foundation for the same ; and the said road shall be faced with gravel or broken stone, of a depth not less than six inches, in such a manner as to secure a firm, and as near as the materials will admit, an even surface, rising to the middle by a gradual arch, and that the greatest ascent in the said road shall not exceed fourteen inches in any one rod ; and the ditches on the sides of the said road shall, where it may be practicable, be of a proper width, and sufficiently level to form a good road for sleighs, and where other roads shall intersect said turnpike road, shall be so formed as that carriages may conveniently go on and off said turnpike road : *Provided nevertheless,* That where, on account of the steepness of side-hills or rocks which render it unpracticable in any point or place thereof, to make and finish the said road as laid out by the commissioners for that purpose to be appointed, of the full width as above described, it shall and may be lawful for the said president and directors to cause the same to be made and finished of such less width as may be practicable without a ditch on the lower side, but in no place however to be contracted of a less width than twenty feet : *Provided* the lower side of such road where the same shall not be of its full width, shall be finished with a strong and sufficient fender or railing of the height of at least three feet above the surface of the road along which the same shall be constructed.

VII. *And be it further enacted,* That as soon as the president and directors shall have completed the said road or ten miles thereof, it shall be lawful for the said president and directors to give notice thereof to the person administering the government of this state, for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders, and not interested in any turnpike road, to view the same, and to report to him in writing, whether such part of the said road is completed in a workmanlike manner, according to the true intent and meaning of this act, and if the report shall be in the affirmative, then it shall be the duty of the person administering the government of this state, and he is hereby required by licence under his hand and the privy seal of the state, to permit the said president and directors to make and erect so many gates and turnpikes across and upon the said road, as will be necessary and sufficient to collect the duties and tolls herein after granted to the said corporation, from all persons travelling or using the same.

- 29 VIII. *And be it further enacted*, That as soon as the whole or any part of the said road shall be completed, and permission so as aforesaid granted to erect a gate or gates and turnpikes upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road, at each and every of the said gates the tolls and duties
- 30 herein after mentioned and no more, that is to say: Any number of miles not less than ten in length of the said road, the following sums of money, and so in proportion for any greater or less distance, or for any greater or less number of sheep, hogs, cattle, horses or mules, as follows: For every score of sheep or hogs, eight cents; for every score of cattle, horses or mules, twenty cents; for every horse, rode, led or driven, six cents; for every chair, sulkey or chaise with one horse, twelve and an half cents; for every cart drawn by one horse, six cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage, waggon, or other four wheel carriage, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen, twelve and an half cents, and three cents for every additional horse, mule or ox; for every sleigh or sled, eight cents, if drawn by two horses, mules or oxen; and in like proportion if drawn by a greater or less number of horses, mules or
- 31 oxen: And it shall and may be lawful for any toll-gatherer to stop and detain any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, chair, phaeton, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure from passing through any of the said turnpike gates, until they shall have re-
- 32 spectively paid the toll as above specified: *Provided*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship, his farm, or a funeral, or to or from a grist mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing within four miles of the said gate, or from any person or persons who are entitled to vote, when going to or returning from town meeting or election, for the purpose of giving a vote, or from any person going for or returning with a physician or midwife, or from any juror or witness going to or returning from court, having been legally summoned or subpoenaed, or from any troops in the service of this state, or of the United States, or for any artillery waggons and other carriages, or stores of any kind in the service of, or belonging to this state, or the United States, or from any person or persons going to or returning from any training, where by the laws of this state they are required to attend: And whenever any person or persons shall claim to be exempt from paying toll, by virtue of any of the exceptions aforesaid, he, she or they shall produce to the toll-gatherer sufficient testimony that they are respectively entitled to be exempted as aforesaid, before they shall receive the bene-
- 33 fit of any such exemptions: *And provided also*, That not more

than one half of the above toll shall be demanded or received for any waggon or other carriage passing upon the said road, the tire or track of the wheel whereof is more than six inches wide, nor more than one fourth of the above toll for those above nine inches wide, and that all carriages the tire or track of the wheel whereof is twelve inches wide, shall pass said road free without paying any toll whatever: And that the president and directors shall 34 cause to be affixed and kept up at or over each gate, in some conspicuous place where it may conveniently be read, a printed list of the rates of toll which may be lawfully demanded.

IX. *And be it further enacted*, That the said corporation shall 35 cause mile-stones or posts to be erected one for each mile of the said road, and on each stone or post shall be fairly and legibly inscribed or marked, the distance the said stone or post is from Hudson's river; and if any person shall break or throw 36 down, or cut down, deface or injure any of the said mile-stones or posts so to be erected, or shall wilfully break or throw down any of the said gates or turnpikes, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall forcibly pass either of the said gates, without having previously paid the legal toll, such person or persons shall, for every such offence or injury, forfeit and pay the sum of twenty-five dollars, to be recovered by the said corporation, to their use, in an action of debt, with costs of suit, in any court having cognizance thereof; and if any person or persons shall with his team, car- 37 riage or horse, turn out of the said road to pass either of the said gates on ground adjacent thereto, and again enter on said road, having passed the said gate or gates to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the said corporation, to their own use, with costs of suit, in any court having cognizance thereof.

X. *And be it further enacted*, That if any toll-gatherers shall 38 unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand and receive more toll than is by this act established, he shall, for every such offence, forfeit and pay ten dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, in any court having cognizance thereof.

XI. *And be it further enacted*, That the shares of the said 39 turnpike road shall be deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct: *Provided*, That they shall not at any 40 time be held by any person not a citizen of this state or of the United States.

XII. *And be it further enacted*, That it shall and may be law- 41 ful for the said president and directors, at any time after the completion of said road; to lessen the rate of toll or duties, or to take away, or open, or cause to be kept open, one or more of the gates and turnpikes.

XIII. *And be it further enacted*, That the president and direc- 42 tors of the said corporation shall keep a fair and just account

of all monies received or to be received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among the stockholders of the said corporation, on the fourth Mondays of March and September in every year, and shall publish the same among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

43 XIV. *And be it further enacted*, That the president and directors shall, within six months after the said road shall be completed, lodge in the office of the comptroller of this state an account of the expenses thereof; and the corporation shall annually exhibit to the comptroller a true account of the dividends arising from said toll, with the annual disbursements.

44 XV. *And be it further enacted*, That it shall and may be lawful for the president and directors to demand from the stockholders respectively all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all the previous payments thereon to the said president and directors; and that after the full amount of the twelve thousand shares shall have been appropriated and expended by the said president and directors for the purpose of making a good and sufficient road between the places aforesaid, and the sum so appropriated shall be found insufficient to effect the purposes aforesaid, it shall and may be lawful for the said president and directors, in order to complete the said road and turnpike, to increase or raise the funds of the said corporation by adding a sum, not exceeding five dollars to each and every share in the whole stock, which sum so to be added shall be in an equal ratio upon each and every share, to be collected and paid in manner aforesaid, subject on default of payment to the pains and forfeitures aforesaid.

46 XVI. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from the said toll shall have paid and compensated the said corporation for all monies they may have expended in purchasing and making said road, together with an interest thereon of ten per centum per annum, besides the expense of repairing and taking care of said road and ditches; and thereupon the right, interest and property of the said corporation shall be vested in the people of this state, and be and remain at their disposal. *Provided*, That if the said corporation shall not commence their operations within two years, and shall not within ten years thereafter complete the same according to the intent and meaning of this act, then and in either case this act shall cease and be void and of no effect.

47 XVII. *And be it further enacted*, That the whole extent of the road hereby incorporated shall, for the purpose of being inspected, be divided by the said president and directors into three equal districts, and be distinguished by the first, second and third inspection districts of the Susquehanna and Bath turnpike road; to

each of which districts shall be appointed by the person administering the government of this state, and subject to removal by him at discretion, a discreet freeholder as commissioner, who shall be in no way interested in the said corporation, whose duty it shall be on accepting the said appointment, from time to time, and especially upon complaint made to him in writing, subscribed by the complainant, of the insufficiency of the said road in any part thereof within his district; and whenever he shall find the same out of repair, or obstructed by snow, to give notice thereof in writing to the keeper of the nearest toll gate on such road, or to the president or any of the directors of said corporation; 49 and it is hereby made the duty of the said president and directors immediately upon such notice, to cause such road to be well and sufficiently repaired and amended or opened, as the case may require, under the penalty of ten dollars for every neglect of forty- 50 eight hours, in opening or repairing such road as aforesaid, to be sued for by such commissioner and recovered with costs of suit in an action of debt, in any court having cognizance thereof, which penalty when recovered, shall without delay be paid over to the overseers of the poor of the town in which such forfeiture shall have been incurred, for the use of the poor of said town: And 51 the said commissioner is hereby further empowered, whenever in his opinion it shall become just and necessary, on account of the insufficiency of the said road within his district, by writing to be delivered to the keeper of any toll gate, to order all or any of the toll gates across the same to be opened and kept open until the said road shall have been in his opinion well and sufficiently repaired, which the said keeper shall be and hereby is required to obey under the like penalty, to be sued for, recovered and applied as aforesaid; and it is hereby made the duty of such commissioner upon notice in writing received from the president or any of the directors of the said corporation to examine and determine whether such road shall have been sufficiently repaired and amended or opened, and to direct accordingly, but from every such decision of a commissioner, there shall be a right of appeal by the said president and directors to the commissioners of the other inspection districts of said road, whose decision thereon shall be final; that every of the said commissioners shall be entitled to and 52 receive as a compensation for his services aforesaid, at the rate of two dollars and fifty cents for every day he shall be necessarily engaged therein: But no one commissioner shall for viewing and inspecting within his own district, except on the application of the president or any of the directors, be entitled to a compensation exceeding two days wages in any one month of the year; that the compensation hereby authorized to any such commissioner, shall be paid to him quarter yearly if required, out of the funds of the corporation, and that such accounts for services shall if required be attested to by such commissioner before the same shall be payable: *Provided however,* That every such commis- 53 sioner, before he enter on the duties above assigned, shall first take and subscribe an oath or affirmation before any judge or justice of the peace of the county in which he shall reside, faithful-

ly and impartially, to the best of his judgment, to execute the trust reposed in him by this act, and cause to be delivered to the president or any of the directors of the said corporation, a certificate of such judge or justice of his having taken the said oath, or made the said affirmation.

- 54 XVIII. *And be it further enacted*, That the said Benjamin S. Carpenter, Joseph Julliard, Elisha Smith, John Johnson, Erick L. Hartshorn, Frederick A. DeZeng, Jonathan Parker, and Platt Brush, and all such others as shall associate for the purpose of erecting a bridge over the Susquehannah river, at or near the place where the Ulster and Delaware turnpike road shall adjoin the Susquehannah river, their successors and assigns, shall be and hereby are created a body corporate and politic, by the name of
- 55 the president and directors of the Jerico bridge company; and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name. and by that name they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors, by the same name and style, shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purposes whatsoever.
- 56 XIX. *And be it further enacted*, That the said Benjamin S. Carpenter be and he is hereby appointed a commissioner to do and perform the several duties hereinafter mentioned, that is to say: he shall, on or before the fifteenth day of May next, furnish himself with a book, in which shall be written: "We
- 57 whose names are hereunto subscribed do, for ourselves and our legal representatives, severally promise to pay the president and directors of the Jerico bridge company the sum of fifty dollars, for every share of the stock set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president and directors;" who shall open the same at his dwelling house in the town of Jerico on the said fifteenth day of May, at ten of the clock in the forenoon, and keep the same open from day to day (except Sundays) between the hours of ten in the forenoon and three in the afternoon, for the purpose of receiving subscriptions, until the whole
- 58 number of two hundred shares are subscribed for; that every subscriber shall, at the time of subscribing, pay unto the said commissioner the sum of three dollars for each share so by him subscribed, and that each share of the said stock shall consist of
- 59 fifty dollars: That as soon as the whole number of shares shall have been subscribed for, the said commissioner shall cause an advertisement to be inserted in one of the public newspapers printed in Kingston in Ulster county, and another to be posted upon the door of the Jerico meeting house, giving at least twen-

ty days previous notice of the time and place when and where the said subscribers shall meet to choose five directors, who shall be stockholders, for the purpose of managing the concerns of the company until the first Monday of November next after such election; and the said directors shall be chosen by ballot by the stockholders then present, at which said first election the said commissioner shall preside, and the said first Monday of November shall for ever thereafter be the anniversary day for choosing directors; and that at every subsequent election the stockholders present shall, by a plurality of votes, elect three of their number to preside at such election: That the persons so presiding shall receive the ballots at such election, and immediately after the election shall be closed shall openly estimate the votes, and thereupon make and subscribe a certificate of the result of such election, specifying the names of the stockholders so elected, and make return thereof immediately to the president and directors in office, whose duty it shall be to be convened on the said election day, and to give immediate notice to the persons so chosen directors of their being chosen, and to appoint the earliest and most convenient time and place for the first meeting of the said new directors, to whom they shall deliver or cause to be delivered over all the records, books, accounts and property of the said company: That at every such election for directors, 60 every stockholder shall, either in person or by proxy, be entitled to one vote for every share he shall hold in the stock of the said company: That if such election shall not be held on any day of the said annual election days, it shall be lawful to make such election at any other day to be appointed for that purpose by the said president and directors, in like manner and with like effect as if the same had been held at the usual time, and the directors in office shall in that case be incapacitated, after the said anniversary election day, from performing any act as directors other than such as may be necessary to give such election effect: That 61 any three of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and any act of the majority of the directors so met shall be binding on the said corporation; and after every such election the said directors 62 elected shall immediately, after having met, proceed to elect by ballot one of their number for president; and the said president and directors may meet from time to time, at such place as they may find expedient and direct; and they shall have the power 63 to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they shall deem necessary for the well ordering of the affairs of the said corporation: That in case of vacancy by death, 64 resignation, or otherwise, in the office of director, the other directors in office may, by a majority of votes, supply such vacancy until the next annual election day: That whenever the president shall be absent from any of the meetings of the directors, 65 the directors present may, by a plurality of votes, appoint another of their number president for the meeting, and they shall and may proceed and transact the business of the said corpora-

- tion in like manner as if the president was present ; and that at the first meeting of the first directors to be chosen as aforesaid by the stockholders, the said commissioner above named shall deliver his subscription book, and pay over all monies received by him on such subscriptions to the said president and directors :
- 66 That the president and directors of the said company shall at all times have power to appoint such officers, agents, clerks, artists, workmen, and others under them, as shall be necessary for executing the business of the said corporation.
- 67 XX. *And be it further enacted,* That the said bridge shall be built of good strong and sufficient materials not less than twenty feet wide, and shall be well secured with a good and sufficient railing on each side thereof, and not less than four feet high ;
- 68 that in case the said bridge shall not be erected, built and completed on or before the first day of December in the year of our Lord one thousand eight hundred and eight, then and in such case this corporation shall be adjudged and considered as dissolved.
- 69 XXI. *And be it further enacted,* That as soon as the said bridge shall be completed, and the judges of the court of common pleas of the county of Chenango, or a majority of them, shall upon inspection certify under their hands, that the said bridge is well and sufficiently constructed and built, and will admit of the passage of loaded teams and other carriages, it shall and may be lawful for the said president and directors to erect a gate at either end of the said bridge, and demand, receive and take, for the use of the said corporation, a toll not exceeding the following rates, to wit : Every four wheel pleasure carriage drawn by two horses, twenty-five cents, if drawn by four horses, thirty-one cents ; every two wheel pleasure carriage drawn by one horse, twelve and an half cents, and if drawn by two horses, fifteen cents ; every waggon and two horses, nineteen cents, and if drawn by four horses, twenty-five cents ; each sled and horses, nineteen cents ; each ox waggon or cart and two oxen, nineteen cents ; each additional yoke of oxen thereto, six cents ; every one horse cart, twelve and an half cents ; every one horse sled, ten cents ; every ox sled drawn by one yoke of oxen, nineteen cents ; and every additional yoke, six cents ; every man and horse, six cents ; every foot passenger, three cents ; every horse, jack or mule, four cents ; every cow or other neat cattle, two cents ; every
- 70 sheep, hog or calf, one cent : And the said corporation shall cause to be affixed to each toll-gate a list of the rates of toll which
- 71 may be hereby lawfully demanded ; and it shall and may be lawful for the president and directors at any time after the completion of the said bridge to lessen the rate of toll hereby established : *Provided,* the stockholders holding three fourths of the stock of the said corporation shall assent thereto.
- 72 XXII. *And be it further enacted,* That if the said bridge after the same shall be completed, shall be impassable for the term of thirty days for want of repairs, unless carried away by the ice or freshet or other unavoidable accident, or unless thrown down for the purpose of rebuilding the same, and if the same shall not

be rebuilt in two years, that the said corporation shall be deemed to be forfeited thereby.

XXIII. *And be it further enacted*, That it shall and may be 73 lawful for the said directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president and directors.

XXIV. *And be it further enacted*, That if any person or per- 74 sons shall wilfully do or cause to be done, any act whatsoever whereby the said bridge or any toll-gate, toll-house or any thing appertaining to the bridge or toll-gate, shall be impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company, the sum of ten dollars, to be recovered in an action of debt with costs of suit, and shall moreover be liable to treble the amount of the damages sustained by said company with costs of suit, to be recovered in an action of trespass, in any court having cognizance thereof, which actions shall be considered in every instance transitory in their nature, and shall and may be brought and triable in any county in this state.

XXV. *And be it further enacted*, That the said president and 75 directors when they have completed and finished the said bridge, shall at all times thereafter, as well by night as by day, provide and keep a sufficient person or persons to attend the toll-gate on said bridge, for the purpose of permitting all persons applying with their property, to pass over the same on receiving the toll hereby authorized to be exacted.

XXVI. *And be it further enacted*, That it shall not be law- 76 ful for any person or persons to erect any bridge or establish any ferry across the said Susquehannah river within two miles, either above or below the bridge to be erected and maintained in pursuance of this act, except between the times the said bridge shall be removed and rebuilt, or during the time the said bridge shall not be passable, or forcibly to pass the said bridge without having previously paid to the toll-gatherer for the use of the said corporation, the toll hereby established for crossing the said bridge; but that every such person or persons shall, for every such last offence or injury, forfeit and pay to the use of the said corporation the sum of ten dollars, to be recovered by the said corporation, to their use, in an action of debt, with costs of suit, in any court having cognizance thereof: *Provided nevertheless*, That nothing herein contained shall be construed to prevent any person residing within two miles of the said bridge from crossing the said river, to or from his or her house or land, with his or her own boat or craft, without being subject to the payment of any toll.

XXVII. *And be it further enacted*, That whenever, after the 77 full amount of the said stock shall have been appropriated and expended by the said president and directors, for the purpose of making and maintaining a bridge according to the true intent

and meaning of this act, and the said stock shall be found insufficient to effect the purposes of erecting and maintaining the said bridge during the continuance of this incorporation, it shall and may be lawful for the president and directors at any time to increase or raise the funds of the said corporation, by adding such sum or sums as may be necessary from time to time, to each and every share in the whole stock of the said company, as the exigency shall in their opinion demand and require, which sum or sums, so to be added to each share, shall be in an equal ratio upon each and every share, to be collected and paid in the same manner as the said original amount is made payable, subject on default of payment to the same pains and forfeitures as aforesaid.

78 XXVIII. *And be it further enacted,* That the shares in the said company shall be taken, deemed and considered to be personal estate, and shall and may be transferable, which transfers shall be made and inserted in the books of the said president and directors.

79 XXIX. *And be it further enacted,* That the said president and directors shall, from the commencement of their organization, keep a regular and fair account of all business, transactions and expenditures done or authorized by them, as also an account of all monies received for toll for crossing the said bridge, which shall at all reasonable times be open to the inspection of any stockholder; and they shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst the stockholders of the said corporation, and shall, on the first Tuesday of March and September in every year, publish the half yearly dividend to be made of the clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

80 XXX. *And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at either of the gates, or shall demand or receive more toll than is by this act established for crossing the said bridge, he shall, for every such offence, forfeit and pay the sum of five dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably delayed, hindered or defrauded.

81 XXXI. *And be it further enacted,* That from and after the expiration of the full term of one hundred years from the passing of this act, the said bridge, with the appurtenances, shall become the property of and be vested in the people of this state.

82 XXXII. *And be it further enacted,* That this act shall be and the same is hereby declared a public act.

83 XXXIII. *And be it further enacted,* That if any toll-gatherer shall be convicted of either of the offences mentioned in this act, and it shall appear by the return of any execution to be issued against him on such conviction, that the monies, or any part thereof, cannot be had from the defendant, the corporation

shall be held liable for the deficiency, and they shall not, until the payment thereof, receive any toll at such gate at which the offence was committed.

C H A P. XC.

C O N T E N T S .

49. ACCOUNTS...48. DIVIDENDS...53. INTEREST.
 30. Bridge over Norman's-kill, to be kept in repair.
 6. Commissioners, for receiving subscriptions, named..9. Their duty.
 7. ----- Form of entry in their books...18. To give bond.
 22. ----- For laying out road, appointed...their duty.
 54. Commutation for passing gate, directors may agree to.
 1. Company, incorporated...3. Style and corporate rights.
 46. ----- When liable for penalties on toll-gatherers.
 52. ----- When and for what causes to be dissolved.
 23, 27, 44. Compensation to commissioners, assessors, inspectors, &c.
 17. Corporation, not to be dissolved altho election is not held on the stated day.
 9. Directors, number, and how chosen....12. Five a quorum.
 14. ----- May make bye-laws...21. And appoint officers, &c.
 50. ----- May require payments on stock..54. And commute for toll.
 55. ----- First board of, how long to continue in office.
 10. Election, to be by ballot...11. Anniversary day of.
 5. Estate, real and personal, which company may hold, limited.
 29. Gate, when to be erected...40, 41. When to be kept open, &c.
 39. Inspectors, how appointed and their duty.
 43. ----- Appeal from the decision of one to the whole, may be had.
 24. Lands, for the road, directors may agree as to the value, &c.
 25. ----- Disagreement as to value of and damages, how settled.
 26. ----- Not to be taken until paid for.
 37. Penalty, for injuring road or gate...45. And on toll-gatherers.
 38. ----- For turning off the road to avoid the payment of toll.
 42. ----- For demanding toll when the road is out of repair.
 13. President, directors to choose...19. His absence how supplied.
 15. Proxy, stockholders may vote by.
 2. Road, direction of...28. How constructed and made.
 47. Shares, transferable...51. Forfeited for neglect of payment.
 8. Stock, sum payable on subscribing...20. Number of shares.
 32. Toll, rates of, prescribed..34. Who exempt from the payment of.
 36. ----- Lists of, to be affixed at gate.
 35. ----- What description of carriages exempt from payt. of, &c.
 31. Toll-Gatherers, when appointed..33. Their duty..45. Penalty on.
 4, 16. Votes apportioned.

An ACT to establish the Albany and Bethlehem Turnpike Company.

Passed April 9th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That George Merchant, Francis Nicoll, John V. N. Yates, Israel Ransom, Charles R. Webster, Solomon Ruffel, Robert S. Van Rensselaer, John Beeckman, junior, and Sebastian Visscher, and all such other persons as shall associate for the purpose of making a good and sufficient road, from the corporation line of the city of Albany to the Norman's-kill bridge, including the same, thence running westerly on the Bethlehem road to the house of Joshua

- Babcock, junior, then from the Norman's-kill bridge, southerly, to a small bridge south of James Van Rensselaer's, including
- 3 the same ; be and they are hereby created and made a body corporate and politic, by the name of "the president, directors and company of the Albany and Bethlehem turnpike road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors, shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors by the same name and style, shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use
- 4 of the said corporation : *Provided*, That at the election of directors, each stockholder shall be entitled to one vote for each share held by him to the number of fifty, and to one vote for every three shares, which he shall hold over and above fifty :
- 5 *And provided further*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever.
- 6 II. *And be it further enacted*, That Francis Nicoll, Solomon Ruffel, John Beeckman, junior, and Sebastian Visscher, be and they are hereby appointed commissioners, to do and perform the several duties herein after mentioned, that is to say : They shall on or before the first day of May next procure four books, one of which shall be left with each commissioner, and in each
- 7 of them enter as follows, viz. " We whose names are hereunto subscribed, do for ourselves and our legal representatives, severally and not jointly promise to pay to the president, directors and company of the Albany and Bethlehem turnpike road, the sum of twenty-five dollars for every share of stock in said company set opposite our respective names, in such manner and in such proportion, and at such time and place as shall be determined by the said president, directors and company ;" one of which books shall be left with each of said commissioners, who shall immediately open the same, and keep open the same
- 8 for the purpose of receiving subscriptions ; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners two dollars on each share by him subscribed ; and
- 9 the said commissioners shall, as soon as two hundred shares are subscribed, cause an advertisement to be inserted in two of the newspapers printed in the city of Albany, giving at least twenty days notice of the time and place, when and where such subscribers shall meet, to choose nine directors, who shall be stockholders, for the purpose of managing the concerns of the said
- 10 corporation for one year ; and the said directors shall be chosen
- 11 by ballot, by the stockholders then present ; and the first Tuesday of September in every year, shall for ever thereafter be the
- 12 anniversary day for choosing the said directors ; and five of the

said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of the majority of the directors so met, shall be binding on the said corporation, and the said directors elected by a plurality of stockholders present, shall immediately proceed to elect by ballot, one of their number for president, and the said president and directors may meet from time to time at such place as they shall find expedient and direct ; and they shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem necessary for the well ordering of the affairs of said corporation : *Provided*, That at the election of directors the stockholders not present may vote by proxy for directors ; and each stockholder shall be entitled to one vote for every share he shall hold, not exceeding ten shares, and one additional vote for every five shares he shall hold above the number of ten shares : *And provided further*, That in case it shall at any time happen, that an election of directors shall not be made upon any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day, to hold and make an election in such manner as shall have been regulated by the laws and ordinances of the said corporation : And further, that each of the said commissioners, before he shall open the books for subscription as aforesaid, shall execute a bond to the people of this state, with at least one good surety, to be approved of by the comptroller, in the penal sum of five thousand dollars, with a condition thereunder written, faithfully to execute the duties of his office, and to render a just and true account of all monies by him to be received, and to pay over the same to the said president and directors whenever thereunto required, which said bonds shall be deposited in the comptroller's office, and that in case of a breach of the condition of any such bond it shall be lawful for the said president and directors to receive the bond of any delinquent from the comptroller, and to put the same in suit at the cost and expense of the said president, directors and company and for their benefit.

III. *And be it further enacted*, That in case of the death, inability or absence of the president, a quorum of the directors met may choose or appoint a president pro tempore, and shall and may proceed to transact business of the said corporation in like manner as if the president were present.

IV. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be two hundred shares subscribed ; and have power to appoint such officers, agents, clerks, artists, workmen, and others under them, as shall be necessary for executing the business of said corporation.

V. *And be it further enacted*, That Benjamin Wallace, Albert Pawling and Benjamin Smith are hereby appointed commissioners, whose duty it shall be to lay out such road according to the best of their judgment and understanding, without favour or par-

tiality, in such manner that the object of the corporation and the general interest of the public shall be in the best manner effected; and it shall be the duty of the said commissioners to deposit and cause to be recorded in the office of the clerk of the county of Albany, an accurate map of the survey of the same, designating the particular points through which it shall pass; and each of which commissioners for their services as aforesaid, shall be allowed at the rate of three dollars per day for every day they shall be necessarily employed in the services as aforesaid, to be paid, together with the expense of surveying and recording the said map, by the said corporation; and the president and directors may contract and agree with the owners of the said lands for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing a gate and toll-house, and all other works to the said road belonging; and in case of disagreement between the said parties with respect to the value of the lands so aforesaid to be laid out, and the damages, if any, so to be done to the said land; or if the owner or owners shall be feme covert, insane, under age, or out of the country, then, and in either such case, it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas in and for the county of Albany, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument signed by him, to appoint three appraisers, being freeholders of the said county, and who shall not be inhabitants of any town through which said road shall pass, or interested in the said road; and it shall be the duty of the said president and directors to give notice to the said appraisers of their appointment, who, or any two of them, shall thereupon name a day for meeting on the land and performing the duties required of them by this act, which days shall not be more than ten nor less than four days from such notice of their appointment; and the said president and directors shall give at least four days notice to the owner or owners of such land of the time when and the place where the said appraisers shall meet for the purpose of viewing said land, and assessing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid, or be absent, in either of which case a copy of such notice may be left at the dwelling house of any of the party, or other notorious place on the land through which said road shall pass; and further, each of the said appraisers shall, before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation in writing, before one of the justices of the peace of the said county of Albany, and that he will, without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of the land or improvements which the said corporation may deem necessary to take and appropriate for the said road; and the said appraisers shall then proceed to view the premises and having ascertained the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the land and

Rating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for such road have sustained or will sustain, which inquisition shall be acknowledged by the appraisers signing the same before one of the judges aforesaid, and then by them filed, together with the affidavit aforesaid, in the office of the clerk of the county of Albany, within thirty days after such view shall be had and inquisition made by the said appraisers; and the said clerk shall, at the expense and costs of the said president, directors and company, enter the same of record in the book kept by him for recording deeds; and the president, directors and company aforesaid, upon paying the said several owners of the said land the several sums so assessed and awarded by the said appraisers in their said inquisition, shall and may have and hold to them, their successors and assigns for ever, the lands and tenements in the said inquisition described: *Provided*, That nothing 26 in this act contained shall be construed to authorize the said president and directors to enter upon such land for the purpose of making such road thereon, until they shall have paid such damages as may be agreed upon or appraised according to the provision of this act, if the same shall be lawfully demanded.

VI. *And be it further enacted*, That the said president and directors shall pay to the judge who shall appoint the appraisers to assess the damages aforesaid, one dollar and fifty cents for his services; and to each of the said appraisers for every day necessarily attending to perform the duties required by this act, two dollars and fifty cents. 27

VII. *And be it further enacted*, That the said president, directors and company shall cause a road to be opened and kept open, four rods wide, and which shall be thirty feet between the ditches on each side thereof, twenty-eight feet whereof shall be faced with broken stone, or gravel well compacted together, of a depth not less than twelve inches, in such a manner as to secure a firm, and as near as the materials will admit, an even surface, rising to the middle by a gradual arch, and that the greatest ascent in the said road shall not exceed fourteen inches in any one rod, and the ditches on the sides of the said road shall, where it may be practicable, be of a proper width, and sufficiently level to form a good road for sleighs, and where other roads shall intersect said turnpike road, shall be so formed as that carriages may conveniently go on and off said turnpike road. 28

VIII. *And be it further enacted*, That as soon as the president, directors and company shall have completed the said road, it shall be lawful for the said president and directors to give notice thereof to the governor of this state for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders, resident in said county, and not interested in any turnpike road, to view the same, and report to him in writing, whether the said road is completed in a workmanlike manner, according to the true intent and meaning of this act; and if the report shall be in the affirmative, then it shall be the duty of the governor to whom they report, and he is hereby required, by licence under his 29

hand and the privy seal of the state, to permit the said president and directors to make and erect a gate and turnpike across and upon or adjoining the bridge over the Norman's-kill, and to collect the duties and tolls herein after granted to the said corporation from all persons travelling or using the same.

- 30 IX. *And be it further enacted*, That it shall be the duty of the said president, directors and company, whenever they shall erect such gate as aforesaid, to maintain and keep in repair, at their own cost and expense, the present bridge over the said Norman's kill, or to erect and maintain a good and sufficient bridge over the said kill on the said turnpike road.
- 31 X. *And be it further enacted*, That as soon as the said road shall be completed, and permission so as aforesaid granted to erect such gate and turnpike upon and across the same, it shall and may be lawful for the said president and directors to appoint a toll-gatherer to collect and receive of and from all and every person or persons using the said road, at the said gate, the tolls and duties herein after mentioned, and no more, that is to say :
- 32 For every score of sheep or hogs, six cents ; for every score of cattle, horses or mules, twelve cents, and so in proportion for a greater or less number of sheep, hogs, cattle, horses and mules ; for every horse and rider or led horse, three cents ; for every sulkey, chair or chaise with one horse, eight cents ; for every cart drawn by one horse, three cents ; for every chariot, coach, coachee, phaeton, drawn by two horses, twelve and an half cents, and two cents for each additional horse ; for every covered stage waggon drawn by two horses, eight cents, and two cents for each additional horse ; for every other waggon drawn by two horses, mules or oxen, four cents, and one cent for each additional horse, mule or ox ; for every cart drawn by two horses, mules or oxen, four cents, and one cent for each additional horse, mule or ox ; for every sleigh or sled drawn by two horses, mules or oxen, four cents, and one cent for each additional horse, mule or ox ; for every one horse sleigh commonly called pung, four cents ; and it shall and may be lawful for the toll-gatherer to stop and detain any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, chair, phaeton, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the said turnpike gate until they shall have respectively
- 34 paid the toll as above specified : *Provided*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate of or from any person passing to or from public worship, his farm, or a funeral, or to or from a grist mill for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person or persons who are entitled to vote, when going to or returning from town meeting or election, for the purpose of giving a vote, or from any person going for or returning with a physician or midwife, or from any juror or witness going to or returning from court, having been legally summoned or subpoenaed, or from any troops in the service of this state or of the United States, or for any artillery waggons and other carriages or stores of any kind

in the service of or belonging to this state or the United States, or from any person or persons going to or returning from any training, where by the laws of this state, they are required to attend, or from any person or persons going to the city of Albany with wood or fossil coal; and whenever any person or persons shall claim to be exempt from paying toll by virtue of any of the exceptions aforesaid, he, she or they shall produce to the toll-gatherer sufficient testimony that they are respectively entitled to be exempted as aforesaid before they shall receive the benefit of any of such exemption: *And provided also*, That not 35 more than one half the above toll shall be demanded or received for any waggon or other carriage passing upon the said road the tire or track of the wheel whereof is more than six inches wide, nor more than one fourth of the above toll for those above nine inches wide; and that all carriages, the tire or track of the wheel whereof is twelve inches wide, shall pass said road free without paying any toll whatever.

XI. *And be it further enacted*, That the president and directors 36 shall cause to be affixed and keep up at or over the gate, in some conspicuous place where it may conveniently be read, a printed list of the rates of toll which may be lawfully demanded.

XII. *And be it further enacted*, That if any person or persons 37 shall wilfully break or throw down the said gate or turnpike, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall pass forcibly the said gate without having previously paid the legal toll, such person or persons shall for every such offence or injury, forfeit and pay the sum of five dollars, to be recovered by the said corporation to their use, in an action of debt, with costs of suit, in any court having cognizance thereof; and if any person or persons shall with his team, carriage or horse, turn out of the said road to pass the said gate on ground adjacent thereto, and again enter on said road, having passed the said gate to avoid the payment of the toll due by this act; such person or persons shall forfeit and pay a fine not exceeding five dollars to be recovered in like manner by the said corporation to their own use, with costs of suit, in any court having cognizance thereof: *Provided always*, That persons travelling to and from the city of Albany on the ice, shall not be considered as persons turning out of the said turnpike road to avoid paying the toll allowed by this act. 38

XIII. *And be it further enacted*, That it shall be the duty of the 39 governor to appoint three discreet and reputable freeholders, resident in the said county of Albany, and not interested in any turnpike road, inspectors, to do and perform the several duties herein after mentioned, that is to say: Whenever complaint shall be made to either of them in writing, that the said road is out of repair, from time to time to view and inspect the said road and ditches, and if he finds the same not to be in good order and repair, according to the true intent and meaning of this act, then and in 40 that case, he shall by a notice in writing signed by him, and left with the toll-gatherer, at such gate as he shall think proper to be kept open, order and direct the said gate to be kept open,

- until the said road shall be sufficiently repaired, according to the
41 true intent and meaning of this act : And that whenever the
said president and directors shall have sufficiently repaired the
road as aforesaid, they shall give notice to the said inspector who
signed the order as aforesaid, or in case of his absence or inability
to attend, to some one of the other inspectors, who shall with-
in three days thereafter, again view and inspect the said road,
and if he finds the same sufficiently repaired as aforesaid, he
shall by an instrument in writing signed by him, license and per-
42 mit the said gate to be again shut ; and if the said corporation or
any toll-gatherer, shall ask or receive any toll, of, or from any
person or persons, for using the said road at the said gate so or-
dered to be opened, during the time it is ordered to be kept open
as aforesaid, the said president and directors shall for every such
offence, forfeit and pay the sum of twenty-five dollars, to be re-
covered by the said person or persons from whom they have so
received toll, with costs of suit, before any court having cogni-
zance thereof.
- 43 XIV. *And be it further enacted*, That if either the complain-
ant or the president, directors and company, shall feel them-
selves aggrieved by the decision of the said inspector, he or they
may appeal to the whole of the said inspectors, whose decision
or the decision of any three of whom, shall be conclusive in the
44 premises ; and the said inspector or inspectors, shall each re-
ceive for every day they shall be necessarily engaged in the
view, inspection or appeal aforesaid, three dollars a day, to be
paid by the said president, directors and company, unless the
said inspector or inspectors shall determine such complaint or
appeal to be unfounded, and in that case the complainant shall
pay the same, for which he shall give sufficient security at the
time of making such complaint or appeal, and whenever the
said inspector shall determine the said complaint well founded,
the said president, directors and company shall pay the said com-
plainant the sum of three dollars, and if upon an appeal the
decision of the inspectors as aforesaid, shall be in favor of the
original complainant, the said president, directors and company
shall pay the said complainant the sum of ten dollars, to be re-
covered by the said complainant, with costs of suit, before any
court having cognizance thereof.
- 45 XV. *And be it further enacted*, That if the toll-gatherer shall
unreasonably delay or hinder any traveller or passenger at the
said gate, or shall demand and receive more toll than is by this
act established, he shall for every such offence, forfeit and pay
ten dollars, to be recovered by the person to unreasonably de-
tained, for his own use, with costs of suit, in any court having
46 cognizance thereof : And if it shall appear by the return of any
execution on such judgment, that the monies or any part there-
of cannot be had from the defendant, the said incorporation
shall be held liable for the deficiency, and they shall not until
the payment thereof, be allowed to receive any toll at the gate
at which the offence was committed.

XVI. *And be it further enacted,* That the shares of the said 47 turnpike road, shall be deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.

XVII. *And be it further enacted,* That the president and di- 48 rectors of the said corporation shall keep a fair and just account of all monies received by the collector of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among the stockholders of the said corporation, on the first Monday of May and November in every year, and shall publish the same among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

XVIII. *And be it further enacted,* That the said president and 49 directors shall, within six months after the said road shall be completed, lodge in the office of the comptroller of this state an account of the expenses thereof, and the corporation shall annually exhibit to the comptroller a true account of the dividends arising from said toll with the annual disbursements.

XIX. *And be it further enacted,* That it shall and may be law- 50 ful for the president and directors to demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all the 51 previous payments thereon, to the said president, directors and company.

XX. *And be it further enacted,* That the legislature may dis- 52 solve the said corporation when the income arising from the said toll, shall have paid and compensated the said corporation for all monies they may have expended in purchasing and making said road, together with an interest thereon of ten per cent per annum, 53 besides the expense of repairing and taking care of said road and ditches, and thereupon the right, interest and property of the said corporation, shall be vested in the people of this state, and be and remain at their disposal: *Provided,* That if the said corporation shall not commence their operations within two years, and shall not within five years thereafter complete the same, according to the intent and meaning of this act, then and in either case this act shall cease and be void and of no effect.

XXI. *And be it further enacted,* That the said president, direc- 54 tors and company may commute by the year with any person or persons that may pass any or all of the said gates, and they may at any time they may think it beneficial for the said corporation, open and keep open the said gate for a term not exceeding three months in any one year.

XXII. *And be it further enacted,* That this act shall be a public act.

XXIII. *And be it further enacted,* That the first directors to be 55 chosen by virtue of this act, shall continue in office until the first Tuesday of September next ensuing their election, any thing herein contained to the contrary notwithstanding.

C H A P. XCVII.

C O N T E N T S.

- 38,39. ACCOUNTS-43. COMMUTATION-38. DIVIDENDS-42. INTEREST.
2. Bridge, where to be erected...44. How to be built, &c.
6. Commissioners for receiving subscriptions, named..9. Their duty.
7. ----- Form of entry in their books.
20. ----- For laying out road appointed--their duty.
1. Company incorporated...4. Style and corporate rights.
41. ----- For what cause to be dissolved.
- 21, 24, 35. Compensation to commissioners, appraisers, inspectors, &c.
10. Directors, seven to be chosen...12. Five a quorum.
14. ----- May make byc-laws...18. And appoint officers, &c.
11. Election, anniversary day of.
5. Estate, real, which company may hold, amount of, limited.
26. Gates, when...45. And where to be erected.
33. Inspectors, how appointed and duty...35. Appeal from, &c.
22. Land for road, directors may contract for.
23. ----- Value of, in case of disagreement, how ascertained.
32. Penalty, for injuring gate, road, &c...36. On toll-gatherers.
24. ----- For receiving toll when gates are directed to be left open.
13. President, how chosen...19. His absence how supplied.
15. Proxy, stockholders may vote by.
3. Road, direction of..25. How made..46. Another to be worked, &c.
8. Shares, sum payable on subscribing..17. Number..37. Transferable.
40. ----- Forfeited, if not paid on requisition of directors.
27. Toll, rates of, prescribed...31. Lists of, to be affixed at gates.
29. ----- What persons...30. And what carriages, exempt from, &c.
27. Toll-Gatherers, when appointed..28. Their duty..36. Penalty on.
16. Votes, how apportioned.

An ACT to incorporate the Fall-Hill Turnpike and Bridge Company.

Passed April 9th, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That William Alexander, Evans Wharry, Christopher Bellinger, Robert Beasley, Joseph Herkimer, James Van Horne, Gaylord Grifwold, Barnhard Hudson, and Nicholas Lawyer, and all such persons as shall associate for the purpose of erecting a substantial bridge across the Mohawk river, opposite the village at the Little Falls, in the county of Herkimer, and making a good and sufficient road from the house of Ira Crane, in the town of Minden, Montgomery county; from thence on the most convenient place, to the Mohawk river, opposite to a small store house, the property of James Van Horne; from thence along the bounds of the Mohawk river to the house lately occupied by Henry A. Vrooman, in the town of German-Flatts, in the county of Herkimer; from thence on the most
- 2 convenient place, to the house of Samuel Abbot, shall be and
- 3 hereby are created and made a corporation and body politic, in fact and in name, by the name of "the president, directors and company of the Fall-hill turnpike and bridge company," and that
- 4 by that name they shall be capable in law to purchase, have, hold, enjoy and retain, to them and their respective successors, lands,

tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same, or any part thereof, to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record or any other place whatsoever : *Provided how-* 6
ever, That the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed at the time of purchasing the same, the sum of five thousand dollars : *And provided further*, That such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent and purpose whatsoever.

II. *And be it further enacted*, That William Alexander, James 6
 Van Horne, Joseph Herkimer and Christopher Bellinger, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say : they shall, on or before the first day of September next, procure four books, and in each of them enter as follows : " We whose names are 7
 hereunto subscribed do, for ourselves and our legal representatives, promise to pay the president, directors and company of the Fall-hill turnpike and bridge company, the sum of ten dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion and such time and place as shall be determined by the president and directors of said company ;" and one of said books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions ; and every subscriber shall at the time of subscribing, 8
 pay unto either of the said commissioners the sum of two dollars for each share so subscribed ; and the said commissioners shall, 9
 as soon as four hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, and in the newspaper printed in the county of Herkimer, giving at least three weeks notice of the time and place the said subscribers shall meet for the purpose of 10
 choosing seven directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year ; and the day of choosing said directors shall for ever thereafter, be 11
 the anniversary day for choosing directors ; and any five of the 12
 said directors shall be a quorum, and capable of transacting the concerns of the said corporation, and every act of the majority of the directors so met shall be binding on the said corporation ; and the said directors, elected by a plurality of the votes of the 13
 stockholders present, to be given upon the principles hereafter to be mentioned, shall immediately proceed to the choice of one of their number for president ; and the said president and direc- 14
 tors may meet from time to time, at such time and place as they may think expedient and direct, and shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation : *Provided*, That at the election of directors 15

- 16 the stockholders not present may vote by proxy for directors, and each stockholder shall be entitled to one vote for every share he shall hold not exceeding ten shares, and one additional vote for every five shares he shall hold above the number of ten shares : *Provided further*, That nothing in this act contained shall be construed to prevent the said stockholders to meet on any other day for the purpose of choosing directors, if by accident, or any other cause, they shall be prevented from meeting on the anniversary day of election.
- 17 III. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be one thousand two hundred
- 18 and fifty shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them, as shall be necessary for executing the business of the said corporation.
- 19 IV. *And be it further enacted*, That in case of the death, inability or absence of the president, a quorum of the directors met may choose or appoint a president pro tempore, and shall and may proceed and transact the business of the said corporation in the like manner as if the president were present.
- 20 V. *And be it further enacted*, That Solomon Devendorf, John Frank and Charles Ward are hereby appointed commissioners, whose duty, or a majority of them, it shall be, to lay out such road according to the best of their judgment and understanding, without favour or partiality, in such manner that the object of the corporation and the general interest of the public shall be in the best manner effected ; and it shall be the duty of the said commissioners to deposit and cause to be recorded in the office of the clerk of the county of Herkimer, an accurate map of the survey of the same, designating the particular points through which it
- 21 shall pass ; and each of which commissioners, for their services aforesaid, shall be allowed at the rate of two dollars and fifty cents a day for every day they shall necessarily be employed in the services aforesaid, to be paid, together with the expense of surveying and recording the said map, by the said corporation ;
- 22 and the president and directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other
- 23 works to the said road belonging ; and in case of disagreement between the said parties with respect to the value of the lands to as aforesaid to be laid out, and the damages, if any, to be done to the said land, or if the owner or owners shall be feme covert, insane or under age, or out of the country, then, and in either such case, it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas in and for the county of Herkimer, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument signed by him, to appoint, three appraisers, being freeholders of the said county, and who shall not be inhabitants of any town through which said road shall pass, or interested in said road ; and it shall be the duty of the said presi-

dent and directors to give notice to the said appraisers of their appointment, who, or any two of them, shall thereupon name a day for meeting on the land and performing the duties required of them by this act, which shall not be more than ten nor less than four days from such notice of their appointment; and the said president and directors shall at least give four days notice to the owner or owners of such land, of the time when and the place where the said appraisers shall meet for the purpose of viewing the land and assessing the damages, except in case the owner or owners shall labor under any of the disabilities aforesaid or be absent, in either of which cases a copy of such notice may be left at the dwelling house of any of the parties, or other notorious place on the land through which said road shall pass; and further, each of the said appraisers shall, before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation, in writing, before one of the justices of the peace of the said county of Herkimer, that he will, without favor or partiality, estimate and assess the damages which may be sustained by the owner or owners of the land or improvements which the said corporation may deem necessary to take and appropriate for the said road; and the said appraisers shall then proceed to view the premises, and having ascertained the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the land and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for such road, have sustained or will sustain, which inquisition shall be acknowledged by the appraisers signing the same before one of the judges aforesaid, and then by them filed, together with the affidavit aforesaid, in the office of the clerk of the county of Herkimer aforesaid, within thirty days after such view shall be had and inquisition made by the said appraisers; and the said clerk shall, at the expense and cost of the said president, directors and company, enter the same of record in the book kept by him for recording deeds; and the president, directors and company aforesaid, upon paying the several owners of the said land the several sums so assessed and awarded by the said appraisers in their said inquisition, shall and may have and hold to them, their successors and assigns for ever, the lands and tenements in the said inquisition described: *Provided*, That nothing in this act contained shall be construed to authorize the said president and directors to enter upon such land for the purpose of making such road thereon, until they shall have paid such damages as may be agreed upon or appraised, according to the provision of this act, if the same shall be lawfully demanded.

VI. *And be it further enacted*, That the president and directors shall pay to the judge who shall appoint the appraisers to assess the damages aforesaid, one dollar and fifty cents for his services; and to each of the said appraisers for every day necessarily attending to perform the duties required by this act, two dollars and fifty cents.

- 25 VII. *And be it further enacted*, That the said president, directors and company, shall cause a road to be opened and kept open four rods wide, and which shall be thirty-three feet between the ditches, except where rocks shall prevent the same to be of such width, twenty five feet whereof shall be bedded with stone or some other hard substance, so as to ensure a good and solid foundation, and shall be faced with gravel or broken stone or some other hard substance, of a depth not less than six inches, in such a manner as to secure a firm, and as near as may be an even surface, rising to the middle by a gradual arch, and that the greatest ascent in the said road shall not exceed fourteen inches in any one rod, and that the ditches on the sides of the said road shall, where it may be practicable, be of a proper width and sufficiently level to form a good road for sleighs, and where other roads shall intersect said turnpike road, shall be so formed as that carriages may conveniently go on and off said turnpike road.
- 26 VIII. *And be it further enacted*, That as soon as the president, directors and company shall have completed the bridge upon and across the Mohawk river, at the Little-falls herein after mentioned, and the said road, it shall be lawful for the said president and directors to give notice thereof to the governor of this state for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders resident in the counties of Montgomery or Herkimer, and not interested in any turnpike road, to view the same, and report to him in writing, whether the said bridge and road are completed in a workmanlike manner, according to the true intent and meaning of this act, and if the report shall be in the affirmative, then it shall be the duty of the governor, and he is hereby required, by licence under his hand and the privy seal of the state, to permit the president and directors to make and erect one gate and turnpike across and upon the said bridge, and another upon the said road, and to collect the duties and tolls herein after granted to the said corporation from all persons travelling or using the same.
- 27 IX. *And be it further enacted*, That as soon as the said bridge and road shall be completed, and permission so as aforesaid granted to erect a gate and turnpike upon and across the same, it shall and may be lawful for the said president and directors to appoint toll-gatherers to collect and receive of and from all and every person or persons using the said bridge and road, at said gates, the tolls and duties herein after mentioned, and no more, that is to say: For every score of sheep or hogs, eight cents; for every score of horses, cattle or mules, eighteen cents; for every horse, rode, led or driven, four cents; for every chair, sulkey or chaise, with one horse, six cents; for every cart, drawn by one horse or mule, six cents; for every chariot, coach, coachee or phaeton, twenty-five cents; for every stage, waggon, or other four wheel carriage, drawn by two horses, mules or oxen, twelve and an half cents, and three cents for every additional mule or ox, and in like proportion, if drawn by a greater or less number of horses, mules or oxen; for every cart, drawn by two oxen, six cents, and three cents for every additional ox or horse; for

every sleigh or sled, six cents if drawn by two horses, mules or oxen, and in like proportion if drawn by a greater or less number of horses, mules or oxen ; and it shall and may be lawful 28 for any toll-gatherer, to stop and detain any person riding, leading or driving any horse or horses, cattle, sheep or hogs, sulkey, chair, phaeton, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure, from passing through the said turnpike gates, until they shall have paid the toll as above specified : *Provided*, That 29 nothing in this act shall be construed to entitle the said corporation to demand or receive toll at the gate upon the said turnpike road, of or from any person or persons passing to or from public worship, or from any person going to or returning from any training, where by a law of this state they are required to attend, or to or from any blacksmith's shop to which he usually resorts, or from any person or persons going to or returning from any election for the purpose of giving a vote, or any person going to or from any grist mill for the grinding of grain for his family use, or from any person going to or from any funeral, going for or returning with a physician or midwife, or from any juror or witness going to or returning from a court of record having been legally summoned or subpoenaed, or from any troops in the service of this state or of the United States, or for any artillery waggons, or other carriages or stores of any kind, in the service of or belonging to this state or the United States, and whenever any person shall claim to be exempted from paying toll by virtue of any of the exceptions aforesaid, he, she or they shall produce to the toll-gatherer sufficient testimony, that they are respectively entitled to be exempted as aforesaid, before they shall receive the benefit of any such exemptions : *And provided also*, 30 That no more than one half the above toll shall be demanded or received for any waggon or other carriage passing upon the said road, the tire or track of the wheel whereof is more than six inches wide, nor more than one fourth of the above toll for those above nine inches wide, and that all carriages the tire or track of the wheel whereof is twelve inches wide, shall pass said road free, without paying any toll whatever.

X. *And be it further enacted*, That the president and directors 31 shall cause to be affixed and kept up at or over each gate, in some conspicuous place where it may conveniently be read, a printed list of the rates of toll which may be lawfully demanded.

XI. *And be it further enacted*, That if any person or persons, 32 shall wilfully break or throw down any of the said gates or turnpikes, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall pass forcibly either of the said gates, without having previously paid the legal toll, such person or persons shall for every such offence or injury, forfeit and pay the sum of twenty-five dollars, to be recovered by the said corporation to their use, in an action of debt, with costs of suit, in any court having cognizance thereof ; and if any person or persons shall, with his team, carriage or horse, turn out of the said road to pass the said gate on ground adjacent thereto, and again enter on said road, having passed the said gate to avoid the pay-

23 VII. And he is further enacted, That the said
 officers and company, shall cause a road to be
 open four rods wide, and which shall be thirty
 the ditches, except where rocks shall prevent
 18 such width, twenty five feet whereof shall be
 or some other hard substance, so as to ensure
 foundation, and shall be faced with gravel or
 some other hard substance, of a depth not less
 in such a manner as to secure a firm, and even
 even surface, rising to the middle by a gradual
 the gravelly ascent in the said road shall not vary
 19 in any one rod, and that the ditches on the sides
 shall, where it may be practicable, be of a parallel
 evenly level to form a good road for travelling
 made shall intersect said township roads, that
 the carriages may conveniently go on and off the

20 VIII. And he is further enacted, That the said
 officers and company shall have completed the
 across the Mohawk river, at the Little Falls
 not until the said road, it shall be levelled for
 ditches in give notice thereof to the go-
 21 vernor, who shall thereupon forthwith
 point three different freeholders resident in
 vicinity of Herkimer, and not interested
 to view the same, and report to him by
 the said bridge and road are completed in
 according to the true intent and meaning
 report shall be in the affirmative, then a
 agreement, and he is hereby required, as soon
 22 and the first day of the June, to
 attention to make and erect one or more
 above the stationers, and another
 And the ditches and side roads shall
 not more of public travelling

23 IX. And he is further enacted, That
 and road shall be completed, and
 as much as possible, and the
 within a week for the
 and persons to collect
 points or points where
 the said and other
 is a large ferry
 even from a small
 large, who shall be
 such, who shall be
 shall be made for
 purpose, and
 the said
 as to the
 of the

him of ten dollars, to be re-
with costs of suit, before any

That if any toll-gatherer shall 36
traveller or passenger at either
and receive more toll than is
agent, directors and company
and pay ten dollars, to be
ably detained, for his own
having cognizance thereof.

That the shares of the said 37
shall be deemed and consider-
able in such a manner as
by direct : *Provided*, That it
y person not a citizen of this

That the president and di- 38
shall keep a fair and just account
ector of toll on said road and
e a dividend of the clear pro-
ts and charges being first de-
of the said corporation, on the
, and shall publish the same
ime and place when and where
cause the same to be paid ac-

4, That the president and di- 39
after the said road shall be com-
e comptroller of this state an ac-
and the corporation shall annu-
lter a true account of the dividend
the annual disbursements.

enacted, That it shall and may be 40
directors, to demand from the stock-
such sums of money by them subscrib-
such times and in such proportions as
pain of forfeiture of their shares, and
thereon, to the said president, direc-

er enacted, That the legislature may dif- 41
on when the income arising from the said
and compensated the said corporation for all
ve expended in purchasing and making said
together with an interest of ten per cent per 42
expense of repairing and taking care of said
itches, and thereupon the right, interest and
aid corporation shall be vested in the people of
ne and remain at their disposal : *Provided*, The
shall not commence their operations within two
id after the first day of June next, and shall not,
years thereafter, complete the same, according to
and meaning of this act, then and in either case this
case and be void and of no effect.

ment of the said toll due by this act, such person or persons shall forfeit and pay a sum not exceeding five dollars, to be recovered in like manner by the said corporation, to their own use, with costs of suit, in any court having cognizance thereof.

- 33 XII. *And be it further enacted*, That it shall be the duty of the governor to appoint three discreet and reputable freeholders, resident in the counties of Montgomery or Herkimer, and not interested in any turnpike road, inspectors, to do and perform the several duties herein after mentioned, that is to say, whenever any complaint shall be made to either of them in writing, that the said road is out of repair, from time to time to view and inspect the said road or bridge and ditches, and if he finds the same not to be in good order and repair, according to the true intent and meaning of this act, then and in that case he shall, by notice in writing, signed by him, and left with the toll-gatherer at such gate, order and direct the said gate to be kept open until the said road or bridge shall be sufficiently repaired, according to the true intent and meaning of this act; and that whenever the said president and directors shall have sufficiently repaired the road or bridge as aforesaid, they shall give notice to the inspector, who signed the order as aforesaid, or in case of his absence or inability to attend, to some one of the other inspectors, who shall, within three days thereafter, again view and inspect the said road or bridge, and if he finds the same sufficiently repaired as aforesaid, he shall, by an instrument in writing signed by him, license and per-
- 34 mit the said gate or gates to be again shut; and if the said corporation or toll-gatherer shall ask or receive any toll of or from any person or persons for using the said road or bridge, at either of the said gates so ordered to be opened during the time they are ordered to be kept open as aforesaid, the president and directors shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered by the said person or persons from whom they have so received toll, with costs of suit, before any court having cognizance thereof.
- 35 XIII. *And be it further enacted*, That if either the complainant or the president, directors and company, shall feel themselves aggrieved by the decision of the said inspector, he or they may appeal to the whole of the said inspectors, whose decision, or any two of them, shall be conclusive in the premises; and the said inspector or inspectors shall respectively receive for every day he or they shall be necessarily engaged in the view, inspection or appeal aforesaid, two dollars and fifty cents per day, to be paid by the said president, directors and company, unless the said inspector or inspectors shall determine such complaint or appeal to be unfounded, and in that case the complainant shall pay the same, for which he shall give sufficient security at the time of making such complaint or appeal, and whenever the said inspectors shall determine the said complaint well founded, the said president, directors and company shall pay the said complainant the sum of three dollars, and if upon an appeal the decision of the inspectors as aforesaid shall be in favor of the original complainant, the said president, directors and company

shall pay the said complainant the sum of ten dollars, to be recovered by the said complainant, with costs of suit, before any court having cognizance thereof.

XIV. *And be it further enacted*, That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at either of the said gates, or shall demand and receive more toll than is by this act established, the said president, directors and company shall, for every such offence, forfeit and pay ten dollars, to be recovered by any person so unreasonably detained, for his own use, with costs of suit, in any court having cognizance thereof.

XV. *And be it further enacted*, That the shares of the said turnpike road and bridge company, shall be deemed and considered to be personal estate, and be transferable in such a manner as the said president and directors may direct: *Provided*, That it shall not at any time be held by any person not a citizen of this state or the United States.

XVI. *And be it further enacted*, That the president and directors of the said corporation, shall keep a fair and just account of all monies received by the collector of toll on said road and bridge, and shall make and declare a dividend of the clear profits and income, all contingent costs and charges being first deducted, among the stockholders of the said corporation, on the first day of June in every year, and shall publish the same among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

XVII. *And be it further enacted*, That the president and directors shall, within six months after the said road shall be completed, lodge in the office of the comptroller of this state an account of the expenses thereof, and the corporation shall annually exhibit to the comptroller a true account of the dividend arising from said toll, with the annual disbursements.

XVIII. *And be it further enacted*, That it shall and may be lawful for the president and directors, to demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all the previous payments thereon, to the said president, directors and company.

XIX. *And be it further enacted*, That the legislature may dissolve the said corporation when the income arising from the said toll shall have paid and compensated the said corporation for all monies they may have expended in purchasing and making said road and bridge, together with an interest of ten per cent per annum besides the expense of repairing and taking care of said road, bridge and ditches, and thereupon the right, interest and property of the said corporation shall be vested in the people of this state, and be and remain at their disposal: *Provided*, The said corporation shall not commence their operations within two years from and after the first day of June next, and shall not, within three years thereafter, complete the same, according to the intent and meaning of this act, then and in either case this act shall cease and be void and of no effect.

- 43 XX. *And be it further enacted*, That the said president, directors and company may commute by the year with any person or persons that may pass the said gates, and they may at any time they may think it beneficial for the said corporation, open and keep open the said gates for a term not exceeding three months in any one year.
- 44 XXI. *And be it further enacted*, That the bridge across the river at the village of the Little-falls, shall be built of such materials as the president and directors shall think most proper, so as to make a good and substantial bridge; and that said bridge shall be at least eighteen feet wide, with good and sufficient railings on each side of said bridge, and that the rates of toll shall be the same with that of the road in every particular; and in case the said bridge shall be carried away by flood, or otherwise destroyed, it shall be the duty of the said president, directors and company to rebuild the same within two years thereafter; or in case the said bridge shall be declared out of repair by the inspectors, to be appointed by the governor as aforesaid, the said bridge shall be by them repaired within thirty days thereafter.
- 45 XXII. *And be it further enacted*, That there shall be but one gate erected upon and across the said turnpike road, which said gate shall be placed east of the road leading from the said bridge to the said turnpike road, and one for the said bridge, which may be erected either upon the said bridge or the said road leading
- 46 from that to the said turnpike, which said last mentioned road shall be also worked and built, and kept in repair, by the said president, directors and company, in the same manner as the aforesaid turnpike road is by this act directed to be worked and built, and kept in repair.

XXIII. *And be it further enacted*, That this act shall be a public act.

C H A P. XCVIII.

An ACT to amend the Act, entitled "An Act to incorporate the Mohawk Turnpike and Bridge Company."

Passed April 9th, 1804.

WHEREAS the president and directors of the Mohawk turnpike and bridge company have, by their petition, represented that the stock allowed to be raised by the act for incorporating the said company is found inadequate for the purposes therein intended: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president, directors and company to receive further subscriptions to the stock of said company, to the amount of eight hundred shares.

II. *And be it further enacted*, That if any toll-gatherer shall be convicted of either of the offences mentioned in the act hereby amended, and it shall appear by the return of any execution to

be issued against him on such conviction, that the monies, or any part thereof, cannot be had from the defendant, the corporation shall be held liable for the deficiency.

C H A P. CVI.

C O N T E N T S.

- 35, 36, 37. ACCOUNTS...35. DIVIDENDS...40. INTEREST.
 5. Commissioners for receiving subscriptions, named...8. Their duty.
 6. ----- Form of entry in their subscription books.
 18. ----- For laying out road, appointed..their duty..48. Further duty.
 50. ----- Of highways in towns thro which turnpike passes, their duty.
 1. Company incorporated...3. Their style and corporate rights.
 54. ----- Their surplus capital, may make a certain disposition of.
 39. ----- For what causes to be dissolved.
 23, 47, 49. Compensation to commissioners, and inspectors.
 9. Directors, how chosen...11. Five a quorum..13. May make bye-laws.
 10. Election, to be by ballot---day of holding the first, anniversary day.
 4. Estate, real, company limited in the amount they may hold.
 25. Gate, when and where to be erected...43. Inspectors may open.
 41. Inspectors, how appointed...43. May order gate to be kept open.
 42. ----- When to inspect road...44. To view road after repaired.
 46. ----- Appeal may be had from the decision of one to the whole.
 19. Lands for road, may be taken...22. But not enter on till paid for.
 20. ----- Value of, directors may agree with owners for.
 21. ----- In case of disagreement, value of, how ascertained.
 31. Penalty, for injuring road, &c...32. For evading payment of toll.
 33. ----- On toll-gatherer...45. For exacting toll when gate is open.
 12. President, how chosen...16. His absence how supplied.
 14. Proxy, stockholders may vote by.
 2. Road, direction of...24. How to be made.
 50. ----- Another, directed to be straightened...51. Expense of, to be borne by voluntary subscriptions...52. Lands taken for, by whom paid for...53. Provisoos respecting.
 7. Shares, sum payable on subscribing..17. Number..34. Transferable.
 38. ----- Forfeited, if not paid on the requisition of the directors.
 27. Toll, rates of...30. Lists of, to be affixed at gate.
 29. ----- Who exempt from the payment of.
 26. Toll-Gatherers, when appointed...28. Their duty..33. Penalty on.
 15. Votes apportioned.

An ACT to establish a Turnpike Corporation for improving and making a Road in the Town of Chatham, and County of Columbia.

Passed April 10th, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Peter I. Volburgh, Bartholomew I. Van Volkenburgh, John Goes, junior, Medad Butler, John Rogers, Abraham I. Van Vleck, John A. Van Buren, Lupton Warner, and all such others as shall associate for the purpose of making a good and sufficient road, to run in the most direct and convenient route as far as circumstances will admit, from the east end of the bridge near the mill of James Brebner, in the town of Chatham, in the county of Columbia, to the bridge near the house of Job Northrop in said town; thence

- branching in two directions, the one to intersect the Union turnpike road near the dwelling house of Anson Pratt, and the other to pass the dwelling house of the aforesaid Job Northrop, until it intersects the line of the town of Canaan, near the dwelling house of Samuel Foote, their successors and assigns, be and they are hereby created and made a body corporate and politic, by the name of "the president, directors and company of the Chatham turnpike road," and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That the amount of such real estate, which the said corporation are hereby authorized to purchase and hold, shall not exceed at the time of purchasing the same five hundred dollars: *And provided further*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatsoever.
- II. *And be it further enacted*, That Peter I. Vosburgh, John Rogers, Peter Van Alstyne, James Brebner, John Whiting and Reuben Swift, be and they are hereby appointed commissioners, to do and perform the several duties herein after mentioned, that is to say: They shall, on or before the first day of June next, procure six books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves promise to pay to the president, directors and company of the Chatham turnpike road, the sum of twenty-five dollars, for every share of stock in said company set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors and company," one of which books shall be left with each of the said commissioners at their respective places of abode, who shall immediately open the same and keep open the same for the purpose of receiving subscriptions; and every subscriber shall, at the time of subscribing, pay unto either of the said commissioners five dollars for each share by him subscribed, which shall be considered as part of the twenty-five dollars, for each share; and the said commissioners shall, as soon as two hundred shares are subscribed, cause an advertisement to be inserted in the newspapers printed in the city of Hudson, giving at least sixty days notice of the time and place, when and where the same subscribers shall meet, to choose seven directors, who shall be stockholders, for the purpose of managing the concerns of the company for one year; and the said directors shall be chosen by ballot, by the stockholders then present, and the day of choosing the said di-

rectors, shall for ever thereafter be the anniversary day of choosing directors; and five of said directors shall be a quorum, 11 and capable of transacting the business of the said corporation, and every act of a majority of the directors so met shall be binding on said corporation; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to elect by ballot one of their number for president, 12 and the said president and directors may meet from time to time at such place as they may find expedient and direct; and they 13 shall have power to make such bye-laws, rules, orders and regulations, not inconsistent with the constitution or laws of the United States or of this state, as they shall deem necessary for the well ordering the affairs of said corporation: *Provided*, That 14 at the election of directors the stockholders not present, may vote by proxy for directors; and each stockholder shall be entitled to 15 one vote for every share he shall hold under the number of ten shares, and one additional vote for every five shares he shall hold above the number of ten shares.

III. *And be it further enacted*, That in case of the death, absence or inability of the president, a quorum of the directors met 16 may choose or appoint a president pro tempore, and shall and may proceed and transact business of the said corporation, in like manner as if the president were present.

IV. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the said stock of 17 said corporation, until there shall have been four hundred shares subscribed, and shall have power to appoint such officers, agents, clerks, artists, workmen, and others under them, as shall be necessary for executing the business of the said corporation.

V. *And be it further enacted*, That Peter A. Van Bergen, Stephen Miller and Benjamin Birdfall, or any two of them, shall be 18 commissioners to lay out and survey such tracts or routes as shall be deemed by them most practicable for making a good and sufficient road between the places aforesaid.

VI. *And be it further enacted*, That the said corporation, by 19 the president and directors, or by any agent, superintendent and artist, or other person or persons employed in their service, may enter into and upon the land so laid out by the said commissioners, to construct and make the said road; and the said president and 20 directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making said road, and for erecting and establishing one gate and toll-house, and all other works to the said road belonging; and in case of disagreement between the said parties 21 with respect to the value of the said land, so as aforesaid to be laid out, and the damages, if any, to be done to the said land, or if the owner or owners shall be semes covert, insane, under age, or out of the state, then, and in either such case, it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas in and for the county of Columbia, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument in

- writing, signed by him, to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of the said town of Chatham, or interested in the said road ; and it shall be the duty of the said president and directors to give notice to the said commissioners of their appointment, who, or any two of them, shall thereupon name a day for meeting on the land and performing the duties required of them by this act ; which days shall not be more than ten nor less than four days from such notice of their appointment ; and the said president and directors shall give at least four days notice to the owner or owners of such land, of the time when and place where the said commissioners shall meet for the purpose of viewing the land and assessing the damages, except in case the owner or owners shall labor under any of the disabilities aforesaid, or be absent, in either of which cases a copy of such notice shall be left at the dwelling house of any of the party, if within the distance of three miles from the said road, otherwise on some notorious place on the land through which such road shall pass ; and further, each of the said commissioners shall, before he proceeds to execute the trust reposed in him by this act, take and subscribe an oath or affirmation in writing, before one of the justices of the peace of the county of Columbia, that he will, without favor or partiality, estimate and assess the damages which may be sustained by the owner or owners of the land or improvements which the said corporation shall take and appropriate for the said road ; and the said commissioners shall then proceed to view the premises, and having ascertained the damages, shall make an inquisition under their hands and seals, or under the hands and seals of any two of them, describing the land and stating the amount of the damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for such road, have sustained or will sustain, which inquisition shall be acknowledged by the said commissioners, signing the same before one of the judges aforesaid, and then filed, together with the affidavit aforesaid, in the office of the clerk of the county of Columbia, within thirty days after such view shall be had and made by the said commissioners ; and the said clerk shall, at the expense and costs of the said president, directors and company, enter the same of record in the book kept by him for recording deeds ; and the president, directors and company aforesaid, upon paying the said several owners of the said land the several sums so assessed and awarded by the said inquisition, shall and may have and hold to them, their successors and assigns for
- 22 ever, the lands and tenements therein described : *Provided*, That nothing in this act contained shall be construed to authorize the said president and directors to enter upon such land, and to make such road thereon, until they shall have paid or tendered such damages as may be agreed upon or appraised according to the provisions of this act.
- 23 VII. *And be it further enacted*, That the said president and directors shall pay to the judge who shall appoint the said last mentioned commissioners, one dollar and fifty cents, and to each of

the said last mentioned commissioners, and to each of the commissioners appointed by this act to lay out and survey the said road, for every day necessarily attending to perform the duties required of them by this act, two dollars and fifty cents.

VIII. *And be it further enacted*, That the said road so to be 24 laid out shall not be less than four nor more than six rods wide, as the commissioners who lay out the same shall deem necessary, twenty-eight feet whereof shall be bedded with stone or gravel, well compacted together, and of a sufficient depth to secure a good and solid foundation for the same ; and the said road shall be faced with gravel or stone, in such manner as to secure a firm and, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch ; and there shall be ditches on each side of the said road where it may be practicable, of a proper width, and sufficiently level to form a good road for sleighs.

IX *And be it further enacted*, That as soon as the president, 25 directors and company shall have completed the said road, it shall be lawful for the said president and directors to give notice to the person administering the government of this state, who shall thereupon forthwith nominate and appoint three commissioners, not interested in any turnpike road, to view the same, and report to him in writing, whether the said road is completed in a workmanlike manner, according to the true intent and meaning of this act ; and if the report shall be in the affirmative, then it shall be the duty of the governor to whom they report, and he is hereby required by licence under his hand and the privy seal of the state, to permit the said president and directors to erect and permanently fix one toll-gate upon and across said road, near the house of the said Job Northrop, to collect the duties and tolls herein after granted to the said corporation, from all persons travelling or using the same.

X. *And be it further enacted*, That as soon as the said road shall 26 be completed and permission granted to erect a gate upon and across the same, it shall and may be lawful for the said president and directors to appoint a toll-gatherer to collect and receive of and from all and every person or persons using the said road at the said gate, the tolls and duties herein after mentioned, and no more, that is to say : For every score of sheep or hogs, four 27 cents, and in proportion for a greater or less number ; for every score of cattle, horses or mules, fourteen cents, and in proportion for a greater or less number ; for every horse, rode, led or driven, three cents ; for every chair, fulkey or chaise, with one horse, eight cents, and for every additional horse, two cents ; for every cart, drawn by one horse, six cents ; for every chariot, coach, coachee or phaeton, twenty-five cents ; for every stage, waggon, or other four wheeled carriage, drawn by two horses, nine cents, and two cents for every additional horse, mule or ox ; for every cart, drawn by two oxen, nine cents, and two cents for every additional ox ; for every sleigh or sled, four cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or less number of horses or oxen ; and it shall and may 28 be lawful for the toll-gatherer to stop and detain any person ride

ing, leading or driving any horse, cattle, sheep or hogs, sulkey, chair, chaise, phaeton, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the said turnpike gate until they shall respectively have paid the toll as above specified :

29 *Provided*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll of or from any person, passing to or from public worship, a funeral or to or from a grist mill, for the grinding of grain for his family's use, or to or from a blacksmith's shop to which he usually resorts, or from any person residing within one mile from the said gate, or from any person or persons who are entitled to vote, when going to or returning from town meeting or election, for the purpose of giving a vote, or from any person going for or returning with a physician or midwife, or from any juror or witness going to or returning from any court, having been legally summoned or subpoenaed, or from any person or persons going to or returning from any training, where by the laws of this state they are required to attend.

30 XI. *And be it further enacted*, That the president and directors shall cause to be affixed at or over the said turnpike gate, a printed or painted list of the rates of toll which may be lawfully demanded.

31 XII. *And be it further enacted*, That if any person or persons shall break or throw down, or shall dig up or spoil any part of said road, or any thing thereunto belonging, or shall pass said gate without having previously paid the legal toll ; such person or persons shall, for every such offence or injury, forfeit and pay a fine of twenty-five dollars, to be recovered by the treasurer of said corporation, to their use, in an action of debt, with costs of suit, in
32 any court having cognizance of the same ; and if any person or persons shall, with his team or teams, carriage or horse, turn out of the said road to pass the said gate, on ground adjacent thereto, and again enter on said road, having passed the said gate, to avoid the payment of the toll due by this act, such person or persons shall forfeit and pay a fine not exceeding five dollars, to be recovered in like manner by the treasurer of the corporation, to their use, with costs of suit.

33 XIII. *And be it further enacted*, That if the toll-gatherer shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this act established, he, for every such offence, shall forfeit and pay twenty-five dollars, to be recovered for the use and in the name of the person so unreasonably hindered or detained, in any court having cognizance thereof with costs of suit.

34 XIV. *And be it further enacted*, That the shares of the said turnpike road shall be deemed and considered to be personal estate, and be transferable in such manner as the said president and directors may direct.

35 XV. *And be it further enacted*, That the president, and directors of the said corporation, shall keep a just account of all monies received by the collector of toll on said road, and shall make and declare a dividend of the clear profits and income, all

necessary costs and charges being first deducted, among the stockholders of the said corporation, on the first Tuesday of January and July in every year, and shall publish the half yearly dividend among the stockholders, and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

XVI. *And be it further enacted,* That the said president and directors shall, within six months after the said road shall be completed, lodge in the office of the comptroller of this state, an account of the expenses thereof; and the corporation shall annually exhibit to the comptroller a true account of the dividends arising from said toll, with satisfactory vouchers of the necessary annual disbursements, and if the comptroller shall be satisfied from the said vouchers produced to him, that the said annual disbursements were necessarily expended on the said road, then it shall be his duty to audit the same or so much thereof as he shall judge has been necessarily expended, which papers the comptroller is directed to deposit in his said office.

XVII. *And be it further enacted,* That it shall and may be lawful for the president and directors to call and demand from the stockholders respectively all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and all the previous payments thereon, to the said president, directors and company.

XVIII. *And be it further enacted,* That the legislature may dissolve the said corporation when the income arising from the said toll shall have fully paid and compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of the said road, together with an interest thereon of ten per cent per annum, and thereupon the right, interest and property of said corporation in the road aforesaid shall be vested in the people of this state, and be and remain at their disposal: *Provided,* That if the said corporation shall not commence their operations within one year after the passing of this act, and shall not within three years afterwards complete the same according to the intent and meaning thereof, then and in either case, this act shall cease and be void and of no effect.

XIX. *And be it further enacted,* That it shall be the duty of the person administering the government of this state to appoint three discreet and reputable freeholders, resident near the said turnpike road, and not interested in any turnpike road, inspectors, to do and perform the several duties herein after mentioned, that is to say, whenever complaints shall be made to either of them in writing, that the said road is out of repair, from time to time to view and inspect the said road and ditches, and if he finds the same not to be in good order and repair, according to the true intent and meaning of this act, then and in that case he shall, by a notice in writing, signed by him and left with the toll-gatherer at such gate, order and direct the said gate to be kept open until the said road shall be sufficiently repaired, according to the true intent and meaning of this act;

- 44 and that whenever the said president and directors shall have sufficiently repaired the road as aforesaid, they shall give notice to the said inspector who signed the order as aforesaid, or in case of his absence or inability to attend, to some one of the other inspectors, who shall, within two days thereafter, again view and inspect the said road, and if he finds the same sufficiently repaired as aforesaid, he shall, by an instrument in writing, signed by him, license and permit the said gate to be
- 45 again shut ; and if the said corporation or toll-gatherer shall ask or receive any toll of or from any person or persons for using the said road at the said gate so ordered to be opened during the time the same is ordered to be kept open as aforesaid, the said president and directors shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered by the said person or persons from whom they have so received toll, with costs of suit, before any court having cognizance thereof.
- 46 XX. *And be it further enacted,* That if either the complainant, or the president, directors and company, shall feel themselves aggrieved by the decision of the said inspector, he or they may appeal to the whole of the said inspectors, whose decision
- 47 shall be conclusive in the premises ; and the said inspector or inspectors shall each receive, for every day they shall be necessarily engaged in the view, inspection or appeal aforesaid, two dollars a day, to be paid by the said president, directors and company, unless the said inspector or inspectors shall determine such complaint or appeal to be unfounded, and in that case the complainant shall pay the same, for which he shall give sufficient security at the time of making such complaint ; and whenever the said inspector shall determine the said complaint well founded, the said president, directors and company shall pay the said complainant the sum of two dollars, to be recovered by the said complainant, with costs of suit, before any court having cognizance thereof.
- 48 XXI. *And be it further enacted,* That the commissioners named in the fifth section of this act, or any two of them, are hereby authorized and empowered to lay out, alter and straighten the public highway, from the eastern extremity of the said turnpike road, near the dwelling house of John Foot, to the school-house near the dwelling house of Jason Warner, in the town of Canaan ; and thence in the most convenient route to the Massachusetts line ; and also from the western extremity of the said turnpike road, near the mill of James Brebner, to the village of Kinderhook, and from thence to Kinderhook landing, and order the same to be opened, not more than four rods nor less than
- 49 two rods wide ; for which services the said commissioners shall receive the like compensation as for laying out and surveying the said turnpike road.
- 50 XXII. *And be it further enacted,* That it shall be the duty of the commissioners of highways in the several towns through which the aforesaid turnpike road, and the road hereby directed to be straightened are made, to determine whether the present public highway or any part thereof, where the same varies from

the said turnpike road, and the road hereby directed to be straightened is necessary to be kept in repair as other public highways are directed to be kept in repair, and if in their opinion or in the opinion of any two of them, they shall judge the same unnecessary for the convenience and benefit of the public, then and in such case they shall order an entry of their opinion to be recorded in the town clerk's office, through which the same shall pass, which opinion shall be subject to an appeal to three of the judges of the court of common pleas for the county of Columbia, and which appeal may be made by any person who shall conceive himself aggrieved by the decision of the said commissioners, in the manner as is directed by the second section of the act, entitled "An act to regulate highways," and the expenses attending such appeal, shall be paid as is directed by the said section, and the decision of the said judges or any two of them shall be conclusive, and if no appeal from the decision of the commissioners is made within sixty days after the decision of the commissioners is entered in the town clerk's office, or if the said judges shall confirm the opinion of the commissioners, then and in either case the road so judged to be unnecessary for the convenience and benefit of the public, shall not thereafter be kept in repair as other public highways are directed to be kept in repair.

XXIII. *And be it further enacted,* That the road so to be straightened, from or near the dwelling house of John Foot to the Massachusetts line, and from or near the mill of James Brebner to Kinderhook landing, shall be opened and made by voluntary subscriptions wherever the same does not follow the track of the present public highway, and not at the expense of the county or any town through which the same shall pass, and if the said road, in the opinion of the commissioners of highways of the respective towns through which said road shall pass, be completed in a workmanlike manner, the said road shall be considered as a public highway, and the commissioners of highways shall order the same to be kept in repair as other public highways are kept in repair.

XXIV. *And be it further enacted,* That the individuals who shall subscribe towards making, opening and straightening the road from John Foot's to the Massachusetts line, and from the mill of James Brebner to Kinderhook landing, or any three of their number, appointed by a majority of the said subscribers, may contract with the owners of the said land, for the purchase of so much thereof as shall be necessary to make the said road, and in case of disagreement between the said parties with respect to the value of the said lands, so to be laid out, and the damages if any to be done to the said land, or if the owner or owners be femes covert, insane, under age, or out of the state, then and in either case it shall and may be lawful for the said subscribers, or any three of them appointed as aforesaid, to apply to one of the judges of the court of common pleas for the county of Columbia, not interested in the said road, who is hereby authorized and required to appoint three commissioners, being freeholders of the said county, and who shall not be inhabitants of the

- said towns of Kinderhook, Chatham or Canaan, or interested in the road, whose duty it shall be to appraise the said land, and damages which each of the owners shall sustain, who have not agreed with the said subscribers therefor, and it shall be the duty of the said commissioners to appoint a day when and where they shall enter upon the said land, and commence to appraise the same, and give notice in writing of such time, which notice shall be put up at three of the public houses or other notorious places adjacent to the said road, in each of the said towns of Kinderhook, Chatham and Canaan, at least eight days previous to their meeting on the said land, for the purpose of making such appraisement and when the said commissioners shall have ascertained the damages, they shall certify the amount which each owner or owners will sustain, and file the same in the office of the town clerk of the town of Kinderhook, and the judge for making such appointment shall receive one dollar and fifty cents, and the said commissioners one dollar and fifty cents for every day they shall be necessarily employed in the said business, and paid
- 53 by the said subscribers : *Provided*, That nothing herein contained shall be construed to authorize the said subscribers, or any other person to enter upon such land, and make the said road thereon, until they shall have paid or tendered such damages as may be agreed upon or appraised according to the provisions of this section : *And provided also*, That nothing herein contained shall be construed to entitle any person to demand or receive any compensation for any damages which he has sustained by opening the said road, where the same follows the track of the present public highway, or any public highway which may be laid out by the commissioners of highways, previous to the laying out and straightening the road hereby directed to be laid out and straightened.
- 54 XXV. *And be it further enacted*, That it shall be lawful for the president, directors and company of the Chatham turnpike road, after the said turnpike road is completed, to expend their surplus capital, if any there shall be, on the road which is not to be a turnpike road, and which is hereby directed to be opened and straightened, if in their opinion they shall judge it expedient, which shall nevertheless be considered and deemed part of the capital stock of said turnpike corporation.

C H A P. LXXXI.

C O N T E N T S.

4. Attorney General, in what case to prosecute turnpike companies.
11. Bath Turnpike, allowed certain privileges.-12. Election of directors.
1. Commissioners of Inspection, how appointed...5. Compensation.
2. ----- On complaint, made their duty to inspect road.
3. ----- Their duty if road be out of repair, &c.
6. ----- Annually to account with the comptroller.
8. Commutation for toll, directors authorized to agree for.
- 9, 10. Directions for carriages meeting on turnpike road, &c.
13. Election of Directors, respecting the anniversary day of.
12. ----- Of Bath turnpike directors, anniversary day of, prescribed.
7. Toll-Gatherers, for what cause liable to be imprisoned 30 days.

An ACT appointing Commissioners for the Inspection of Turnpike Roads, and for other Purposes.

Passed April 9th, 1804.

I. *BE* it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the person administering the government of this state, for the time being, to appoint, from time to time, not less than three nor more than five commissioners, not interested in any turnpike road, in each and every county of this state in which there shall be any turnpike road, and where there is not contained in the law incorporating the company for the purpose of making such road, a provision for inspecting the said road from time to time.

II. *And be it further enacted,* That whenever complaint is made to the said commissioners, or either of them, that any such turnpike road is out of repair, it shall be the duty of such commissioner or commissioners to whom complaint has been made as aforesaid, to examine the road committed to his or their charge; and if, on such examination, he or they shall discover the said road not to be in good repair, or shall find any of the gates placed in situations contrary to law, he or they shall, by writing under his or their hands, give notice to the directors of such turnpike road, or any one of them, of such defect or default, and if the president, directors and company to whom such road belongs, shall not immediately thereupon repair such defect, remove such gate, or throw open the gate or gates on such road as such commissioner or commissioners shall, by such notice as aforesaid require, until such road is repaired, or such gate removed, as the case may require, then the said commissioner or commissioners to make complaint to the attorney general or district attorney where such road shall be, who is hereby required to cause the said president, directors and company to be prosecuted in behalf of the people of this state.

III. *And be it further enacted,* That the said commissioners shall receive two dollars for each day they shall be employed in the services aforesaid, provided the same do not amount, for any one commissioner, to more than two days in any one month.

IV. *And be it further enacted,* That the said commissioners shall, once in each year, exhibit to the comptroller an account of their services in the premises, upon oath or affirmation, who, after auditing the same, shall draw his warrant on the treasurer for such sum as shall be found due to them respectively, who is hereby required to pay the same out of any money in the treasury not otherwise appropriated.

V. *And be it further enacted,* That whenever judgment is obtained against any toll-gatherer, on any turnpike road, for any penalty contained in the act incorporating such turnpike road, and no goods or chattels can be found with which to satisfy such judgment, it shall be lawful to issue execution against the body of such toll-gatherer, who shall be confined by virtue of such execution for the space of thirty days and no longer.

- 8 VI. *And be it further enacted*, That it shall and may be lawful for the president and directors of each and every turnpike corporation within this state, from time to time to commute with any person, whose place of abode shall adjoin to or be near any such turnpike road, for the toll payable at the toll-gate nearest to and on each side of such place of abode, so as that any such commutation shall not be for a longer term than one year.
- 9 VII. *And be it further enacted*, That in all cases of persons meeting each other, on any turnpike road or public highway in this state, travelling with carriages, sleighs, waggons or carts, the persons so meeting shall seasonably turn, drive and convey their carriages, sleighs, waggons or carts, to the right of the centre of the road, so as to enable each others carriages, sleighs, waggons or carts to pass each other without interference or interruption, under the penalty of five dollars for every neglect or offence, to be recovered by the party aggrieved, in an action of debt in any court having cognizance thereof, with costs of suit.
- 11 VIII. *And be it further enacted*, That the turnpike corporation for improving a road from the village of Bath to the Massachusetts line, shall have the like powers and privileges of erecting toll-gates, and of receiving such rates of toll as is granted by the first section of the act, entitled "An act further to amend an act to establish a turnpike corporation for improving the road from the springs in Lebanon, to the city of Albany," passed the thirty-first day of March, one thousand eight hundred and one.
- 12 IX. *And be it further enacted*, That the first Wednesday in November in every year, shall for ever hereafter be the anniversary day for electing directors of the said corporation, and that the present directors of the said corporation shall continue in office until the first Wednesday of November next after the passing of this act, any former law to the contrary notwithstanding.
- 13 X. *And be it further enacted*, That whenever the day of the election of the directors of any turnpike corporation in this state shall happen to be on Sunday, such election shall in every such case be held on the next day following, any law to the contrary notwithstanding.

Water Works.

C H A P. LXXII.

C O N T E N T S.

1. Company incorporated... Their style and corporate rights.
20. ----- When to be dissolved.
4. City Corporation authorized to subscribe for 500 shares.
24. Damages done the works, how recovered by the company.
18. Dividends to be declared and made.
7. Election, anniversary day of..8. How conducted..9. To be by ballot.
17. Fire Stops, trustees to make.
21. Lands for the use of the works, company may enter on.
22. ----- Trustees may agree for value of..disagreement how settled.
12. President, how chosen...13. His absence how supplied.

20. Property of the company, when to vest in city corporation.
 2. Stock, declared personal property...3. Number of shares.
 16. ----- Payable on requisition...19. Forfeited for non-payment.
 6. Trustees how chosen....13. Vacancy how supplied.
 14. ----- What number a quorum...15. Their powers and duties.
 23. ----- The first board of, named.
 5. Union College, trustees of, authorized to subscribe for 50 shares.
 10. Votes how apportioned...11. Equal number of, how determined.

An ACT to incorporate the Stockholders of the Schenectady Water Works Company.

Passed April 7th, 1804.

WHEREAS Abraham Oothout and sundry other inhabitants of the city of Schenectady, in conjunction with the mayor, aldermen and commonalty of the said city, have associated to supply the said city with water, and by their petition presented to the legislature have prayed to be incorporated, to enable them to forward the purposes of their institution conformable to certain articles of association accompanying the said petition.

I. BE it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, That Abraham Oothout, Stephen N. Bayard, Maus Van Vranken, James Murdoch and Joseph C. Yates, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic, by the name of the "trustees of the Schenectady water works," and are hereby ordained, constituted and declared to be for ever hereafter a body politic and corporate, in fact and in name, and by that name they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, in all courts and places whatsoever; and that they and their successors may have a common seal, with power to alter the same, and by the name and style aforesaid, be capable of purchasing and holding such real property as shall be necessary to attain the objects of this incorporation.

II. And be it further enacted, That the stock of the said company shall be deemed personal property, and shall consist of one thousand shares of ten dollars each; and that the mayor, aldermen and commonalty of the city of Schenectady shall be at liberty to subscribe and have five hundred of such shares or any lesser number; and the trustees of Union college shall be at liberty to subscribe and have fifty of such shares or any lesser number, which subscription shall be taken in preference to all others.

III. And be it further enacted, That the stock, property and concerns of the company shall be managed by three trustees, being stockholders and citizens of the said city of Schenectady, to be elected by all the stockholders, excluding the said mayor, aldermen and commonalty in their corporate capacity, and by two trustees, to be appointed by the said corporation at least one week previous to the third Tuesday in July in every year, which is hereby declared to be the anniversary election of the said trustees; which said five trustees shall hold their offices for one year from the said third Tuesday in July in every year.

- 8 IV. *And be it further enacted*, That the election to be made by the stockholders as aforesaid, shall be held and conducted by some one person, being a stockholder, who shall be thereto appointed by plurality of voices of the stockholders present at the place of election, immediately after the time appointed for opening the same, of which time and place three weeks public notice at least shall be previously given by the trustees for the time being; and such person, after having then and there openly counted and estimated the votes taken at such election, shall forthwith make return in writing under his hand, to the president of the trustees for the time being, and the three persons so chosen shall be and remain trustees until others shall be chosen in their stead
- 9 as herein provided; and that all elections to be made as aforesaid for the said three trustees, or any of them, shall be by ballot by the stockholders personally or by proxy, each stock-
- 10 holder voting in the following proportions, to wit: one vote for every share not exceeding ten; for every twenty shares, fifteen votes; for every thirty shares, twenty votes, and one vote for every ten shares above thirty; but no person or body corporate shall be entitled to more than fifty votes whatever number of shares he or they may hold; and the three candidates having the greatest number of votes at such election shall be the trustees, and shall enter upon and continue in office from the time of their being returned as elected until the next anniversary re-
- 11 turn made as aforesaid; and if at such election any two or more persons have an equal number of votes, so that the requisite number of trustees shall not be elected, the stockholders present shall forthwith in like manner proceed to elect out of the persons so having an equal number of votes, so many of them as shall complete the requisite number of three trustees; and should two or more of them still have an equal number of votes, then the can-
- 12 didates shall determine the choice by lot; and that the trustees so chosen as aforesaid shall forthwith, on the day of their election, in conjunction with the two trustees appointed by the corporation of this city, who shall then and there attend for this purpose, choose from among the said five trustees one of the num-
- 13 ber as their president; and in case of the absence of the president so chosen from any meeting of trustees, those of them who are present may, by plurality of voices, appoint one other of their number president for such meeting, but that the said trustees shall not be entitled to any compensation for services rendered for the said company as such; and in case of vacancy in the office of any of the said trustees by death, resignation or removal from the city, others shall be elected or appointed to fill such vacancy in manner aforesaid, and at such time and place as the president of the trustees, or the mayor of the said city, (as the case may be) shall,
- 14 by public notice given as aforesaid, direct; and that the trustees, or a major part of them, shall on all occasions constitute a board
- 15 for the transaction of business; and as soon as possible after their election, shall, in their discretion, take the most effectual measures for supplying the city with a sufficiency of pure and wholesome water for every purpose necessary to the convenience

and security of the citizens and beneficial to the company ; and the said trustees, or the major part of them, shall have power to appoint the time and place of all meetings for the dispatch of business ; to appoint all such agents, officers, or servants, as they shall deem necessary for carrying into effect the objects of this company ; to call upon the stockholders for such payment 16 on their stock as they shall from time to time find requisite ; to agree with all persons who shall use the water for a proper compensation for the use thereof ; to make such and so many fire 17 stops, not exceeding seventy, as the common council of the first and second wards of this city shall require, and at such places in the said wards as the said common council shall direct ; to suffer and permit the said mayor, aldermen and commonalty to make so many other fire stops as they may deem necessary, and at such places as they shall direct, at the proper cost and charges of the said mayor, aldermen and commonalty, all of which fire stops shall be used for the extinguishment of fire in said city, and shall be made fully adequate thereto, and shall be used for that end only, and that free from all rent or costs for the use of the water, and shall be kept and maintained in constant and ample order at the proper charge and costs of the said company and the said mayor, aldermen and commonalty respectively as aforesaid, to wit : those to be made by the said company as aforesaid are to be by them kept and maintained as aforesaid, and those to be made by the said mayor, aldermen and commonalty as aforesaid, are to be by them kept and maintained as aforesaid ; and the said trustees, or the major part of them, shall in like manner establish rules and regulations for and concerning the conduct, government and compensation of all officers or agents of any description in their employ, and for the conduct and government of all persons who use the water from their works, so far as respects the preservation thereof and its use, and to restrain the same, and to preserve the works and water from injury and waste, and to declare the dividends on the stock of the 18 company, and to make bye-laws for and concerning the manner of making transfers of said stock, and to do and perform whatever else in their discretion shall tend to promote the objects of the company, not inconsistent with the laws of the United States or of this state, or of the corporation of the said city : Every stock- 19 holder neglecting or refusing to pay the requisitions called for on his stock by the trustees, shall forfeit his stock, with all previous payments made thereon, and all his interest in the stock of the said company ; and that as soon as the income of the said 20 corporation shall have become so productive as that every stockholder shall have received therefrom a sum equal to the whole sum originally subscribed on each and every share by him held, together with interest thereon at the rate of fourteen per cent per annum, and that the said company is fully reimbursed all monies expended by them in erecting, keeping and maintaining the same, with like interest thereon, then this association shall cease and be ended, and the said works, and every thing appertaining thereto, shall belong to the mayor, aldermen and com-

monalty of this city, and shall be subject to their direction and management.

- 21 V. *And be it further enacted*, That it shall be lawful for the said company, and any person or persons employed by them or acting under their authority, to enter into and upon, and freely to make use of any land which they shall deem necessary, for the purpose of conducting a plentiful supply of pure and wholesome water to the said city, and to erect any dams or other work across or upon any stream or streams of water, river or rivers, or any other place or places where they shall judge proper for the purpose of raising such stream or streams, or turning the course thereof, or of making use of such streams, rivers or places for constructing or working of any necessary engines, and to construct, dig or cause to be opened any canals or trenches whatsoever for the conducting of such stream or streams, or any other quantity of water from any source or sources, that they may see fit, and to raise and construct such dikes, mounds or reservoirs as they may judge proper, for securing and conveying such supply of water as aforesaid to the said city, and to survey and lay out all such lands and streams as they may think proper, in order to ascertain the best mode of furnishing such supply and the best and most productive streams and sources or fountains of water for that purpose, and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the said lands, or any rivers or streams of water, as they may see fit to or towards the said city, and in and every part of the said city ;
- 22 and to agree with the owner or owners of any mills, lands, tenements or hereditaments, that may be damaged or affected by any of the said operations for and about a reasonable compensation to be made to him, her or them, for any damage which he, she or they, or any of them, may sustain by the employing, diverting, or obstructing any such stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds as aforesaid ; but in case of disagreement, or in case the owner or owners of such mills, lands, tenements or hereditaments, shall be *sine voce*, under age, *non compos mentis*, or out of the state, then it shall be lawful for the judges of the supreme court of this state, or any one of them, not being an inhabitant of the said city, upon the application of either party, to nominate and appoint three indifferent persons to estimate the injury sustained as aforesaid, and to report thereupon to the said court without delay, and upon the coming in such said report and the confirmation thereof by the said court, the said president, directors and company shall pay to the said owners respectively, the sum mentioned in such report, which sum when paid shall be held and taken to be a full discharge of all such damages ; and in case the persons so appointed shall report against such claim for damages, such report, after the same shall be confirmed as aforesaid, shall be deemed final and conclusive between the parties.

VI. *And be it further enacted*, That the said first trustees shall be Joseph C. Yates, Abraham Oothout, Stephen N. Bayard, Maus Van Vranken and James Murdoch, who shall hold their offices until the third Tuesday in July next, and that Joseph C. Yates shall be their president.

VII. *And be it further enacted*, That if any person or persons shall wilfully do or cause any act whatsoever, whereby any of the works of the said company or any part of such works, or any matter or thing appertaining to the same, shall be injured, the person or persons so offending shall forfeit and pay to the said company, treble the amount of the damages, to be recovered by such company with costs of suit, by an action of debt in the supreme court of judicature of this state, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county of this state.

C H A P. LXXXIV.

CONTENTS.

12. Clerk, his duty.
13. Collector, his duty.
1. Company, the first members---2. Incorporated---their style and corporate rights.
4. Election for trustees, when and how to be held.
5. President, how chosen---to act as treasurer.---8. First appointed.
6. ----- His absence how supplied.
14. Shares, transfers thereof, how made.
15. ----- Not to be held by any but a citizen of the United States.
11. Treasurer, his duty.
3. Trustees, concerns of the association to be managed by seven.
7. ----- Vacancies of, how supplied.---9. The first board appointed.
10. ----- May appoint clerks and agents, and make bye-laws, &c.

An ACT to incorporate an Aqueduct Association in the Town of Kingston, in the County of Ulster.

Passed April 9th, 1804.

WHEREAS Luke Keersted, Jonathan Hasbrouck, Jacobus S. Bruyn, together with sundry other citizens of the town of Kingston, have associated for the purpose of supplying themselves in the said town of Kingston, with pure and wholesome water, and for the use of such other of the inhabitants as may be inclined to take the same.

I. *BE it therefore enacted by the People of the State of New-York, represented in Senate and Assembly*, That Luke Keersted, Christopher Tappen, John Tremper, Abraham B. Bancker, Abraham Hoffman, Jacobus S. Bruyn, Jonathan Hasbrouck, Conrad Edmund Elmendorf, John Tappen, Frederick A. DeZeng, Lucas Elmendorf, Joseph Gasheie, and such other persons as are now interested, or hereafter may become interested in the association or company formed for supplying the said town of Kingston with water by means of conduits or aqueducts, shall be and are hereby created and made a corporation and body politic, in

fact and in name, by the name of "the aqueduct society of the town of Kingston," and by that name shall be capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record, but shall not be capable of holding any real estate, excepting such as shall be necessary for such conduits or aqueducts in any other place than in the said town of Kingston, or any real or personal estate exceeding the annual value in the whole of three thousand dollars, exclusive of the profits or income of such conduits or aqueducts.

- 3 II. *And be it further enacted*, That the management and concerns of the association shall be intrusted to seven trustees, being members of the association, which said trustees shall hold their office for one year, from the first Tuesday of June in every
- 4 year ; that an election shall be held on the Tuesday preceding every such first Tuesday of June in every year, in such place in the said town of Kingston, and at such hour, as the said trustees shall from time to time appoint, by notification to be published in one of the papers printed in the town of Kingston, at least four days before such election ; that the election shall be held by such person as the members of the association present, immediately before the opening of such election, and after the hour appointed, shall by plurality of votes appoint, and such person shall, after he has then and there openly counted the votes, forthwith make a return in writing under his hand, of the result of such election, to the clerk of the trustees, and the seven persons having the greatest number of votes, shall be the trustees ; and the trustees shall on the first Tuesday of June in every
- 5 year, elect one of their number president, who shall be their
- 6 treasurer ; that in case the president shall be absent from any meeting, the trustees present may appoint one of their number
- 7 to be president for their meeting ; and that in case of vacancy in the office of any of the trustees by death or otherwise, others shall be elected to fill such vacancy or vacancies, by the members of the association, in the manner aforesaid, and that Luke
- 8 Keersled be the first president ; and that the said Luke Keersled,
- 9 Jonathan Hasbrouck, John Tremper, Lucas Elmendorf, John Tappen, Conradt Edmund Elmendorf and Abraham B. Bancker, be the first trustees of the association, and to remain in office until the first Tuesday in June in the year one thousand eight hundred and five.
- 10 III. *And be it further enacted*, That the trustees shall have power to elect and appoint a clerk and collector, and such other agents as may be necessary to carry into effect the objects of the association, to make and ordain all such bye-laws, rules and regulations, relative to the said conduits or aqueducts, as they may deem proper and necessary, for the superintendence, regulation and management of the same, and of such as may be added thereto, and for the alteration, preservation and reparation thereof ; and for the equal assessment and collection amongst the proprietors of the said aqueducts, in proportion to their respective rights or shares, of all costs and expenses arising in the execution of all such bye-laws, rules and regulations afore-

said ; and shall have power to adjust, apportion and credit to any individual of said association, all such monies which may have been by him or her laid out in and about the said conduits, and to impose penalties for the violations of the said bye-laws and regulations ; and further, to institute such suits in the name of such association, as may be necessary to recover damages that may be done to the said aqueducts, or for any penalty imposed as aforesaid : *Provided*, That no penalty to be imposed by virtue of any such bye-laws or regulations as aforesaid, shall be contrary to the laws of this state or the United States, or exceed the sum of two hundred dollars for any one offence.

IV. *And be it further enacted*, That the said treasurer shall 11 receive and pay out all monies collected by virtue of this act, agreeable to the orders and directions of the said trustees ; and 12 the said clerk shall enter in writing in a book for that purpose, all the proceedings of the said association or company, when convened as aforesaid under this act ; and the said collector 13 shall levy and collect all such taxes and sums of money so as aforesaid, to be voted in pursuance of this act, agreeable to such tax list or assessment roll, as shall be made out and delivered to him by the said clerk, the same being by him first certified and subscribed, and shall pay the same monies to the treasurer of the association, and the collector shall have the like powers, and proceed in like manner in the said collection, as is by law prescribed to the collectors of any town, in the collection of the contingent charges of the county.

V. *And be it further enacted*, That all transfers of shares in the 14 said association or company, shall be made and entered in a book to be provided for that purpose, under the directions of the president, that the same shall be personal estate, and be transferable only on the books of the said company, in such manner as the said president and directors may prescribe : *Pro-* 15 *vided*, That they shall not at any time be held by any person not a citizen of this state or of the United States.

C H A P. LXXXVIII.

C O N T E N T S.

1. Company incorporated...their style and corporate rights.
5. ----- May use such land and water as they may deem requisite.
8. ----- Prohibited from taking any spring without consent of owner.
6. Damages, compensation for, how made.--7. Disagreement as to, how 2. Election, how notified and held. [settled.
3. Officers and Agents, how long to hold their office...4. Their duties.

An ACT for incorporating an Aqueduct Association in the Town of Cossackie, in the County of Greene.

Passed April 9th, 1804.

WHEREAS Dorrance Kirtland and divers other persons have associated with intent to supply the village in the said town with good and wholesome water : Therefore,

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Dorrance Kirtland, John Bartlett, Philip Conine, junior, Peter C. Adams, Henry Johnson, Samuel Field, Archibald M'Vickar, Daniel Farrey, George Wilson, Simeon Fitch, Isaac Miner, junior, Stephen Warren, John Robbins, and such other persons as may become interested in the association formed for supplying the said village in the said town with water by means of conduits or aqueducts, shall be and hereby are created a body politic and corporate, in fact and in name, by the name of "The Union Aqueduct Association;" and by that name shall be capable in law to sue and be sued, plead and be impleaded, in any court of record, in all actions and matters whatsoever; to have a common seal, and to change or alter the same at pleasure; to purchase, take, hold and convey any estate, real or personal, provided such real estate be necessary to effect the object of the incorporation, and do not exceed in value at the time of acquiring the same, four thousand dollars.

II. And be it further enacted, That it shall be lawful for any three of the said persons before mentioned to be associated, or such others as with them shall associate, to convene the said members of the said corporation at some proper and convenient place in the said village, first giving five days previous notice, in writing, of the time and place, to be put up in two of the most public places in the said village; and such of the members of the said corporation, being at least a majority of the whole number thereof as shall so convene, shall and are hereby authorized, by a vote of the majority present, to elect and appoint such officer and officers, agent and agents, as they may deem necessary to carry into effect the objects of the same corporation, which said officer and officers, agent and agents shall hold their office during such time as the members of the said corporation, being a majority of any legal meeting, shall ordain and establish; to make and ordain all such bye-laws, rules and regulations for the superintendence, regulation and management of the said corporation, and for the equal assessment and collection of taxes amongst the members thereof, in proportion to their respective rights and interests therein, as they may deem necessary and proper; to impose penalties for the violation of the said bye-laws, rules and regulations; and further, to institute such suits in the name of the said corporation for the recovery of damages, debts or sums of money which may arise or accrue to the said corporation, or any penalty imposed as aforesaid: *Provided*, That no such penalty to be imposed, or any of the bye laws or ordinances of the said corporation to be made, be contrary to the laws of this state or of the United States.

III. And be it further enacted, That it shall be lawful for the said corporation, or any person or persons employed by them, or acting under their authority, to enter into and upon, and make use of any land, and also to make use of any brook, stream, spring, outlet or run of water which they shall deem necessary for the purpose of conducting a plentiful supply of good and wholesome water to and through the said village, and to agree with any

owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations, for and about a reasonable compensation to be made to him, her or them, or any of them, for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or for any damages which he, she or they may sustain in using any such lands for the said operations; but in case of disagreement, to be settled and determined by any three discreet and reputable freeholders of the town of Coxsackie, to be chosen and agreed upon by the parties; and in cases of refusal or neglect by either party to nominate and appoint them, then to be nominated and appointed by any judge of the court of common pleas for the county of Greene, not interested in the premises, at the request of either party, and upon their determining the same, the said company shall pay to the said owners respectively the sums reported under their hands, in full compensation for the same: *Provided*, That nothing in this act shall authorize the said corporation to take or make use of any spring or fountain of water from any person or persons, without first agreeing with the owner or owners for the same.

Societies.

C H A P. XIV.

C O N T E N T S.

10. Act declared a public one.
1. Directors and Assistant Directors, their names.
6. ----- May convene the members to make bye-laws.
4. Funds, how to be applied.
9. ----- Annual income, exclusive of donations, not to exceed \$2000.
5. Estate, Real, not to be conveyed, &c. without consent of members.
2. Society, their style.---3, 8. Their corporate rights.---7. Seal.

An ACT to incorporate the Society for propagating the Gospel among the Heathen, formed by Members of the Episcopal Church of the United Brethren or Unitas Fratrum.

Passed February 29th, 1804.

WHEREAS it hath been represented to this legislature by the reverend George Henry Loskiel, the reverend Jacob Van Vleck, the reverend Andrew Benade, the reverend John Gebhard Cunow, the reverend John Bardell, Henry Ten Broeck, Abraham Bininger, Philip Sykes, Daniel Banvard, Frederic Devoue and Isaac Van Vleck, that since the year of our Lord one thousand seven hundred and forty, when the said church began to make settlements in America, the principal aim of their members coming over from Europe was to carry the glorious truth of the gospel to the Indians here; that they have, without intermission, continued their labors among the Indians, and notwithstanding the increase of expenses and other difficulties, are

resolved to pursue and support this commendable work and for this purpose have formed a society for propagating the gospel among the heathen ; and that this society was incorporated by an act of the legislature of the commonwealth of Pennsylvania, in the year of our Lord one thousand seven hundred and eighty-eight ; and that by a law of the legislature of the state of New-Jersey, they were incorporated in that state in the year of our Lord one thousand seven hundred and ninety-one ; and that they had entered into certain rules of association, which were presented to this legislature with their petition praying to be incorporated in this state, which would promote the original design of the said society.

And whereas the propagation of the gospel among the Indians of America is of great importance to the citizens of this state, as well as to the citizens of the United States, and may, by the smiles of Providence on their institution, be conducive of the peace and safety of the inhabitants and settlers of our frontiers ; and by living examples of the missionaries and the converts, the savages may be induced to turn their minds to the christian religion, industry and social life, with the citizens of the United States.

And whereas this legislature is disposed to exercise the powers vested in them by the people of this state for the encouragement of all pious and charitable purposes : Therefore,

1 I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the reverend George Henry Lofkiel, the reverend Jacob Van Vleck, John Gebhard Cdnow, gentleman, John Schropp, gentleman, the reverend John Andrew Bussé, the reverend John Herbst, the reverend John Medler, John Lewis Benzien, gentleman, the reverend Charles G. Reichel, the reverend Simon Peter, the present directors, and the reverend Andrew Benade, the reverend John F. Schaaf, and the reverend Bernard Adam Grube, present assistant directors, and their successors, and all other members of said society who have and hereafter shall subscribe the established rules of the said society, be, and they are hereby made, declared and constituted to be, a corporation and body politic and corporate, in
2 law and in fact, to have continuance for ever by the name, style and title of " The Society of the United Brethren for propagating the gospel among the heathen."

3 II. And be it further enacted, That the said corporation and their successors, by the name, style and title aforesaid, shall for ever hereafter be persons able and capable in law to purchase, have, receive, take, hold and enjoy, in fee simple, or of less estate or estates, and lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, release or confirmation, of any person or persons, bodies politic and corporate, capable and able to make the same ; and further, that the said corporation and their successors may take and receive any sum or sums of money, and any portion of goods and chattels that have been or hereafter shall be given to them or the said society, by any per-

son or persons, body politic or corporate, able and capable to make a gift thereof : *Provided*, That no misnomer of the said corporation and their successors shall defeat or annul any gift or grant to the said corporation, if the intent of the donor shall sufficiently appear upon the face of the gift, or other writing, whereby any estate or interest was intended to pass to the said corporation, nor shall any disuser or non-user of the rights, liberties, privileges and authorities, or any of them hereby granted to said corporation, create or cause a forfeiture thereof.

III. *And be it further enacted*, That all donations and contributions, rents, interests and profits arising from the real and personal estate of the aforesaid corporation, shall, by the said directors and their successors, from time to time, be applied and laid out for the maintenance and support of their missionaries and their assistants, for building and supporting places of public worship and schools, provide books for the better educating, instructing and civilizing the children of the converts, and others, among the Indian nations, who shall be desirous to commit their youth to the care and instruction of the said missionaries, and for such other pious and charitable uses as are conformable to the true intent, design and meaning of the said society. 4

IV. *And be it further enacted*, That the said corporation and their successors, shall not by deed or otherwise grant, alien, convey or otherwise dispose of any part or parcel of the real estate in said corporation vested or to be vested, or charge or incumber the same, to any person or persons whatsoever, except by and with the consent of a majority of the regular contributing members of said society, convened for that purpose. 5

V. *And be it further enacted*, That the said directors and assistant directors, and their successors or a majority of them, shall and may from time to time convene the members of the said society, to make rules, bye-laws and ordinances, and to transact every thing requisite for the good government and support of the affairs of the said society agreeable to their stated rules : *Provided always*, That the said rules, bye-laws and ordinances, or any of them, be not repugnant to the laws and statutes in force within this state or the United States. 6

VI. *And be it further enacted*, That the said society and their successors shall have full power and authority to make, have and use one common seal, with such device and inscription as they shall think proper, and the same to break, alter and renew at their pleasure. 7

VII. *And be it further enacted*, That that the said corporation and their successors, by the name, style and title aforesaid, shall be able and capable in law, to sue and be sued, plead and be impleaded, in any court or courts, before any judge or judges, justice or justices, in all and all manner of suits, complaints, causes, matters and demands of whatever kind, nature or form they may be, and all and every other matter and thing therein to do in as full and effectual a manner as any other person or persons, bodies politic or corporate, in this state, may or can do in like cases : *Provided also*, 8

- 9 VIII. *And be it further enacted*, That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation, and interest of money lent, shall not exceed the sum of two thousand dollars, to be taken and estimated, exclusive of the monies arising from the contributions of the actual members, and donations of the honorary members or other friends to the said society.
- 10 IX. *And be it further enacted*, That this act be and hereby is declared to be a public act, and that the same be construed in all courts and places favorable for every purpose therein intended.

C H A P. XXVIII.

C O N T E N T S .

10. Bye-laws, board of direction authorized to make.
 3. Direction, board of...4, 5. What a quorum...how elected.
 6. ----- Vacancies how filled...7. First board named.
 9. ----- To exhibit accounts...10. To make bye-laws.
 5. Election, how and when to be held.
 8. ----- If not held on a certain day corporation not dissolved.
 2. Estate, society restricted as to the amount which it may hold.
 11. Husbands, not liable for the debts of their wives.
 1. Society, their style and corporate rights.
 12. ----- How long to continue incorporated.

An ACT to incorporate the Society for the Relief of indigent Women and Children.

Passed March 24th, 1804.

WHEREAS a number of ladies in the city of Albany, have associated for the humane purpose of relieving the distresses of indigent women and children, and by their petition presented to the legislature, have prayed to be incorporated. Therefore—

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons of the female sex, as now are or hereafter shall be annual subscribers to the said association, shall be and hereby are constituted a body corporate, by the name of "The Society for the relief of indigent women and children," and by that name, shall have perpetual succession and be in law capable of suing and being sued, defending and being defended in all courts and places whatsoever, and in all manner of actions and causes whatsoever, and may have a common seal, and change the same at their pleasure, and shall also by that name be capable in law, of purchasing, holding, and conveying any estate real or personal for the use of the said corporation : *Provided*, That such estate shall never exceed in value twenty thousand dollars, nor be applied to any other purposes than the charitable one for which this incorporation is formed.
- 2

II. *And be it further enacted,* That the estate and concerns of 3
the said corporation shall be managed and disposed of by a board
of direction, to be composed of a presiding manager, treasurer,
secretary, and not less than six nor more than twelve managers,
(two thirds of whom shall be a quorum) to be elected by plural- 4
ity of ballots of the members resident in the city of Albany, in 5
the month of March yearly, at such place in the said city, and after
such notice as the board of direction may, from time to time, by
ordinance appoint; and if any vacancy shall be occasioned by the 6
death, resignation or removal of a manager, treasurer or secreta-
ry, the same shall be filled for the remainder of the year by the
board of direction; and until the election in March next, Mar- 7
garet Tillotson shall be presiding manager, Cornelia Lansing,
treasurer, Maria Banyer, secretary, Margaret Seton, Elizabeth
Kent, Ann Barry, Ann Van Rensselaer, Sarah Jenkins, Marga-
ret Stevenson, Catharine Mancius and Eliza Bloodgood, man-
agers.

III. *And be it further enacted,* That if it shall at any time 8
happen that the annual election shall not be made on the day to
be appointed for such purpose, the corporation shall not thereby
be dissolved, but the members of the board of direction shall con-
tinue in office till a new election, which shall be made at such
time and place, and after such notice, as the board of direction
shall prescribe.

IV. *And be it further enacted,* That the board of direction shall 9
at least at every yearly election exhibit to the members of the said
corporation an exact account of the receipts and disbursements
of the preceding year.

V. *And be it further enacted,* That the board of direction may, 10
from time to time, make bye-laws and ordinances relative to the
management and disposition of the estate and concerns of the
said corporation, and the regulation of the persons exercising the
offices aforesaid not contrary to law.

VI. *And be it further enacted,* That the husband of any mar- 11
ried woman who is or may be a member or officer of the said
corporation, shall not be liable to the said corporation for any
loss occasioned by the neglect or misfeasance of his wife, or up-
on any subscription or engagement of his wife; but if he shall
have received any money from his wife belonging to the said
corporation, or the same shall have been applied to his use, he
shall be accountable therefor; and if the husband's goods shall
be attached, or if he shall become insolvent, such money, if re-
ceived after the passing of this act, shall be paid by the trustees
or assignees of his estate in preference to all other debts.

VII. *And be it further enacted,* That this act shall continue and 12
be in force until the first day of March, in the year one thousand
eight hundred and ten, and no longer.

C H A P. XLI.

C O N T E N T S .

7. Books and Property of the former society vested in this.
4. Bye-Laws, society authorized to make.
5. Counsellors and other officers, how elected...6. What a quorum.
5. Funds, limited as to extent of.
8. Legislature, members of, made honorary members of this society.
5. President and Vice-President, how elected...9. First named.
1. Society, incorporated...2. Style and corporate rights.

An ACT to incorporate a Society for the Promotion of Useful Arts.

Passed April 2d, 1804.

WHEREAS the institution of a society calculated to promote, collect and preserve the knowledge of useful arts, is intimately connected with the public welfare and prosperity : Therefore,

- I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all such persons who shall, at the time of the passing of this act, be members of the society for the promotion of agriculture, arts and manufactures, and such other persons who shall from time to time become members of the society hereby intended to be incorporated, and shall within ten months after the passing of this act, signify their intention in writing, subscribed by them respectively, to Samuel L. Mitchell or Benjamin De Witt, the present secretaries of the said society, to become members of the society, hereby intended to be incorporated, and shall pay to either of them two dollars for the use of the said society, shall be and hereby are, constituted a body corporate and politic by the name of "The Society for the promotion of Useful Arts ;" that by that name the said society shall have perpetual succession ; and that the said society and their successors shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and in all actions, suits, matters and causes whatsoever, and to purchase, take, receive, hold and enjoy any real or personal estate, in fee simple or otherwise, and the same to lease, sell, dispose of and convey, for the purpose of the better enabling them to carry into effect such measures as to the said society shall seem best calculated to promote agriculture, arts and manufactures within this state : *Provided*, That the clear annual value of such real and personal estate shall not exceed the sum of two thousand five hundred dollars : That the said society shall have a common seal, which may from time to time be changed or altered at its pleasure.
- II. And be it further enacted, That the said society shall, from time to time, for ever hereafter, have power to make, constitute, ordain and establish such bye-laws and regulations as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same ; for the admission of new members into the said society ; for the

government of the officers and members thereof ; for ascertaining an equal annual rate of contributions towards the funds thereof, for regulating the times and places of meeting for managing the affairs of the said society and for suspending or expelling such members of the said society as shall neglect or refuse to comply with the bye-laws and regulations thereof, so as such bye-laws and regulations shall not be repugnant to the laws of the United States or of this state.

III. *And be it further enacted*, That a president and one or more vice-presidents, nine counsellors, two or more secretaries a treasurer, and such other officers as the said society shall by any bye-law, from time to time appoint, shall be elected by a plurality of votes of the members of the said society present at any election : That such election shall be annually held in the senate chamber, or at such other place as the said society shall from time to time by bye-law direct and appoint, on the Tuesday next succeeding the day on which both houses of the legislature shall have been formed, ready to proceed to business, after the first day of January in every year : That the said officers shall respectively hold their offices until the next annual election day, or until others shall be elected in their stead : That if the annual election shall not be held at any of the days for that purpose appointed, it shall be lawful to make such election at any other day ; and that the president, or one of the vice-presidents, with any twelve or more of the said society, meeting at the place designated for that purpose by any bye-law, shall constitute a legal meeting of the said society.

IV. *And be it further enacted*, That the books, papers, monies and effects of the society for the promotion of agriculture, arts and manufactures, shall be and the same are hereby with the approbation, and at the instance of the last mentioned corporation, vested in the said society for the promotion of useful arts, from and after the fourth day of May next, on which day the corporation aforesaid expires by its own limitation.

V. *And be it further enacted*, That the members of the legislature shall in that capacity be honorary members of the said society ; but shall not vote at elections, or have any voice in the disposition of the funds of the said society.

VI. *And be it further enacted*, That Robert R. Livingston shall be the president, and Ezra L'Hommedieu the vice-president of the said society, until the second annual election day.

C H A P. LXIV.

C O N T E N T S.

- 14. Bye-laws, corporation authorized to make.
- 11. Corporation not dissolved for not holding election on proper day.
- 19. ----- For what cause to be dissolved.
- 7. Election, anniversary day of...8. To be by ballot.
- 9. ----- Special, to be held in case of vacancy in any of the offices.
- 5. Estate, Real, limited as to purpose and amount.
- 17, 18. Funds, account of, to be exhibited to the chancellor.

12. Meetings, to be held at a place certain.
6. Officers...10. First appointed...15. Annually to account.
16. Persons wishing to become members of this corporation, how to proceed.
13. Quorum, what to constitute.
1. Society, incorporated...2. Style...3. Term of incorporation.
4. ----- Corporate rights.

An ACT to incorporate the German Society in the City of New-York for Charitable Purposes.

Passed April 6th, 1804.

WHEREAS Philip I. Arcularius, William Wilmerding and others, citizens and inhabitants of the city of New-York, associated as a society under the style of the German Society in the city of New-York, for the laudable purposes of assisting German emigrants and to afford relief to other poor distressed Germans, and their descendants, and by their petition to the legislature have prayed to be incorporated: Therefore,

- 1 **I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly,** That the said Philip I. Arcularius, William Wilmerding, Leonhard Fisher, Peter Camman, David Grim, John B. Dash, senior, Philip Oswald, Christian Baehr, Christian Schultz, John Gaessner, Alexander Fink, senior, John B. Dash, junior, the reverend doctor John Christopher Kunze, Christian Wilhelm Wilmerding, Jacob Mark, Blasius Mohr, John Peter Ritter, Isaac Paris, the reverend Hendrich Moller, Johannis Mehli, John Harbeck, Charles Neuman, Henry Astor, George Giffert, Carl Ludwig Camman, doctor George Christian Anthon, Edward Livingston, Sigismund Hugget, John Jacob Astor, Christian Matthias Heil, David Lydig, George Powers, James Hallet, Henry White, doctor John William Zeis, Johan Philips, Francis Childs, John Speyer, Jacob Morton, Christian Rook, Stephen Van Rensselaer, Josiah Ogden Hoffman, Thomas Morris, Samuel L. Mitchell, George Arcularius, Henry Limberger, Philip Grim, Henry Ortley, junior, John Fisher, John Bartow Prevost, Alexander Von Pfister, Cornelius Christian Westphal, Jacob Hauptman, Jacob Schieffelin, Henry Heisser, Frederick Schonewolf, Johannis Schultz, John Morton, William Cammeyer, Martin Hoffman, Friedrich Beinhauer, Hendrich Scherer, Jacob Bierman, Frederick Raufeh, William North, Daniel Bowie, the reverend George Strebeck, George Clufman, Johann Nicholas Crentzebach, Cornelius Hoffman, Joseph Sterlitz, John Miller, Edward Dauscomb, John Remmy, Benjamin Walker, Anthony Ernest, J. L. Steenbach, Matthias Luit, Anthony Rutgers, Daniel Paris, Daniel Baehr, William G. Miller, William Gultzow, George F. Toderhorst, Nicholas I. Roofsvelt, Peter Ritter, John Hone, Jacob Sperred, John Nitchie, Heinrich Siebich, Joseph Horn, Lewis Eigenbrodt, Charles Lofs, Joseph Metzler and their present associates, and all persons being resident within the city or state of New-York, who shall
- 2 hereafter be members of the said society, shall be and hereby are ordained, constituted and declared to be one body corporate

and politic, in fact and in name, by the name of "The German Society of the city of New-York," until the first Monday in April, 3
 one thousand eight hundred and twenty-five; and that by that 4
 name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of the German society of the city of New-York, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation: *Provided*, That the lands, tenements and hereditaments, 5
 which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the purpose of erecting a house or hall thereon, in which to meet, and to transact the business of the said corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments, which shall have been obtained for such debts: *And provided also*, That the amount of the real and personal estate, which the said corporation are hereby enabled to hold, shall not at any one time exceed the sum of twenty-five thousand dollars.

II. *And be it further enacted*, That the officers of the said corporation shall be a president, vice-president, treasurer, secretary, 6
 and seven assistants, who shall hold their offices for one year, and shall be citizens of this state; and be elected on the last Monday in January in every year, at such time and place in the city 7
 of New-York, as shall be fixed on by the officers, or ascertained by the bye-laws of the said corporation: That all elections of the 8
 said officers or any of them, shall be by ballot, and such persons who shall have at any election the greatest number of votes as president, vice-president, treasurer, secretary or assistants, shall be deemed duly elected to the office for which he or they were severally chosen, and designated by the ballots which were given at any such election, and the said officers shall hold their respective offices for one year, and until others shall be chosen in their places: *Provided*, That nothing contained in this act, shall be so construed as to prevent any or either of the said officers from being re-elected: That if any vacancies shall happen among the 9
 said officers by death, resignation or removal, such vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as the annual elections, at such times or places as shall be fixed on by the officers, or ascertained by the bye-laws of the said corporation: That Philip I. Arcularius shall be the 10
 first president of the said corporation, William Wilmerding, vice-president thereof; Leonhard Fisher, the treasurer thereof; Peter A. Camman, secretary thereof; David Grim, John P.

Ritter, Casper Meier, Jacob Sherred, John Remmey, John B. Dash, junior, and Henry Heiser, the respective assistants thereof, who shall hold their offices respectively until the last Monday in January next, and until others shall be chosen in their places.

- 11 III. *And be it further enacted*, That in case it should at any time happen that an election for officers should not be made on any day when in pursuance to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold and make an election of officers in such a manner as shall have been regulated by the bye-laws and ordinances of the said corporation.
- 12 IV. *And be it further enacted*, That all elections and all meetings of the said corporation shall be made and held at a place certain, to be fixed and determined by the bye-laws of the said
- 13 corporation ; and that at all such elections and meetings of the said corporation, so to be held as aforesaid, thirteen members thereof, including the president, or in his absence the vice-president, or in his absence one of the assistants, shall be considered a quorum of the said corporation, and shall have full power to do and transact all the business thereof.
- 14 V. *And be it further enacted*, That the said corporation and their successors shall have full power, from time to time, to make bye-laws and ordinances relative to the management and disposition of the estate and concerns of the said corporation, and the regulation of the persons exercising the offices aforesaid : *Provided*, That such bye-laws and regulations be not repugnant to the constitution or the laws of the United States or of this state.
- 15 VI. *And be it further enacted*, That the board of officers shall, at least once in every year, on the last Monday in January, exhibit to the members of this corporation an exact account of the receipts and disbursements of the preceding year.
- 16 VII. *And be it further enacted*, That all persons desiring to become members of this corporation shall be proposed by at least two members one meeting previous to his or their election, which shall be by ballot, and determined by two thirds of the members present at such election ; that then he or they so elected, on paying into the hands of the treasurer such sum as the corporation by their bye-laws shall direct, provided the same shall not exceed the sum of fifteen dollars, shall have his or their names inserted in the general register, and shall be entitled to all the privileges and benefits arising therefrom.

And to the end that the funds of the said corporation may never be diverted to any other than the charitable purposes for which the institution has been expressly made and created,

- 17 VIII. *Be it further enacted*, That the corporation shall, within sixty days after the passing of this act, exhibit to the chancellor of this state a full and particular account of all the estate, real and personal, then vested in the said corporation, attested by the oath of the treasurer thereof, that the same is a

true and perfect account ; and shall also, triennially, between the 18 first and last days of May, exhibit to the chancellor for the time being, a like account, together with a particular account of all monies by the said corporation expended in the preceding three years, specifying the several purposes to which it has been applied ; and if it should appear to the said chancellor that any 19 monies, except for the necessary purchases or repairs of any buildings which may belong to the said corporation, or for the payment of the treasurer or secretary thereof, or for other charges expressly incidental to the management of the funds thereof, have been applied by the said corporation to any use other than for the support of indigent emigrants, and other German poor, and their descendants, or other charitable purposes, he shall direct the attorney general of the state for the time being, ex officio, to file an information against the said corporation in the supreme court of this state ; and if upon the traverse the said corporation shall be found guilty, and judgment shall pass thereupon, that thenceforth the said corporation shall cease and become null and void, and the estate, real and personal, which it may then possess, shall vest in the people of this state.

IX. *And be it further enacted*, That this act be and hereby is declared to be a public act, and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein intended.

C H A P. CX.

C O N T E N T S.

7. Bye-laws, society authorized to make.
10. Commerce, certain act not to be construed to restrict.
2. Estate, society restricted in the amount to be held.
11. Manhattan Company, not to be affected by a certain act.
6. Meetings when to be adjourned for want of members.
- 8, 9. Offences how punished.
3. Officers of the society, what to be, and how chosen.
4. ----- Vacancies how supplied...5. First appointed.
1. Society incorporated, their style and corporate rights.

An ACT to incorporate the Columbian Friendly Union Society, in the City and County of Albany.

Passed April 10th, 1804.

WHEREAS divers persons have formed themselves into a society, by the name and style of the Columbian Friendly Union Society, in the city and county of Albany, in order to raise a fund for the support of such of the members of the said society, who may by means of sickness, lameness, age or other causes, be unable to support themselves, and the said society have by their petition presented to the legislature, prayed to be incorporated : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are or hereafter may become members of the said society, shall be

- and hereby are ordained, constituted and appointed a body politic and corporate, in fact and in name, by the name of "The Columbian Friendly Union Society, in the city and county of Albany," and that by that name they and their successors, shall and may for ever hereafter have continual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever, and that they and their successors may have and use a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the name of the Columbian Friendly Union Society, in the city and county of Albany, shall be capable in law of purchasing, holding and conveying any real and personal estate for the use of the said incorporation : *Provided*, That such real and personal estate shall not at any time exceed the annual value of two thousand dollars.
- 3 II. *And be it further enacted*, That for the better carrying into effect the objects of the said incorporation, there shall be a president, two stewards, four assistants, a treasurer and secretary, who shall hold their respective offices for one year, or until others shall be elected in their room, and that such elections shall be held at such times and places as the said corporation shall by bye-laws from time to time appoint, and that all of the said officers shall be elected by ballot, by a majority of the members present at such election ; and that in case any vacancies shall happen in either of the said offices, by death, resignation or otherwise, such vacancies or vacancy shall and may be filled up for the remainder of the year in which they shall respectively happen, by a special election for that purpose, to be held in the same manner as the said annual elections, at such places and times as shall be appointed by the bye-laws of the said corporation.
- 5 III. *And be it further enacted*, That James Gibbons shall be the first president, and Moses Kitier and Christopher Dunn the first stewards, and Samuel Penny and Edward A. D. Melton the first trustees, and William S. Wells the first secretary, to hold their offices respectively for one year, or until others shall be duly elected in their room.
- 6 IV. *And be it further enacted*, That if at any meeting held according to the bye-laws of the said corporation, a majority of all the members of the said corporation shall not attend, no business whatever relating to the affairs of the said corporation shall be done, but such members as do attend shall have power to adjourn from time to time until a majority of all the members can be convened.
- 7 V. *And be it further enacted*, That whenever, and as often as a majority of all the members of the corporation shall be convened, a majority of the members present at any such meeting shall have full power to make, constitute, ordain and establish such bye-laws, rules, ordinances and regulations, and to alter, amend and abrogate the same as they from time to time shall

judge proper ; for appointing the times and places of electing officers ; for the admission of new members of the said corporation, and the terms, conditions and manner of such admissions, and the amount of the sums which each member shall contribute to the funds of the corporation, and the time and manner of, paying the same, and also for the management, disposition and application of the property, estate, effects and funds of the said corporation, for the purpose of carrying into effect the objects thereof, and for fixing the times and places of the meetings of the corporation, and the manner of conducting the proceedings of such meetings, and touching the duties and conduct of the officers of the corporation, and for imposing penalties for breaking or violating any such bye-laws, rules, ordinances or regulations, and also such other matters as appertain to the business, end and purposes for which the said corporation is by this act constituted, and for no other purposes whatsoever : *Provided always*, That such bye-laws, rules, ordinances and regulations, and the penalties imposed for the violating any of them, be not repugnant to the constitution and laws of the United States or of this state.

VI. *And be it further enacted*, That whenever any member of the said corporation shall violate and break any of the bye-laws, rules, ordinances and regulations, so made as aforesaid, or shall become liable to any penalty imposed by any such bye-laws, rules, ordinances or regulations, and shall neglect or refuse to pay the same, it shall and may be lawful in every such case, for the said corporation to expel such member from the said corporation, or to prosecute at law for the recovery of the said penalty : *Provided always*, That no member shall be expelled otherwise than by the votes of two thirds of all the members present, at one of the stated meetings of the said corporation, and when a majority of all the members shall attend.

VII. *And be it further enacted*, That every member expelled from the said corporation, shall for ever thereafter be deprived from having or receiving any benefit or advantage whatsoever from the funds, property or estate of the said corporation, and that all payments and advances made by such member to the funds of the said corporation shall be forfeited to the same.

VIII. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same be construed in all courts favorably for every beneficial purpose therein intended.

Whereas the chamber of commerce of the city of New-York have, by their respectful memorial to the legislature, expressed apprehension that the bill passed both houses of the legislature at the present session, entitled "An act to restrain unincorporated banking associations," may be so construed as to subject individuals to inconvenient restrictions in their usual commercial business and pursuits. Therefore, for the removal of those apprehensions,

IX. *Be it enacted and declared*, That nothing in the said bill contained, shall be deemed or construed to prevent any person, association or company, from transacting or pursuing any business other than such as companies or banks, incorporated for the ex-

- 11 press purpose of banking, usually do or transact, nor shall any thing in the said act contained, be deemed or construed in any manner or way to affect the incorporation in the city of New-York, created by virtue of an act, entitled "An act for supplying the city of New-York with pure and wholesome water."

Stage Waggon.

C H A P. XXXVII.

C O N T E N T S .

4. Fare regulated.
9. Passengers, number allowed to be carried at one time.
2. Penalty on persons establishing stages on this route unauthorized.
11. Private Carriages, travelling in, permitted.
 1. Right granted, how long to continue.
 6. ----- To cease in case of the wilful neglect of the grantees.
 3. Stage Waggon, grantees directed to furnish four.
 - 5, 7. ----- How often to run, and time when.
 8. ----- In what time to perform the route.
 10. ----- Extra, when and how to be fitted out.

An ACT granting to Levi Stephens and Jason Parker, the exclusive Right for a certain Term of running Stage Waggon between the Village of Canandaigua and the Village of Utica.

Passed March 31st, 1804.

- 1 **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That Levi Stephens and Jason Parker, their executors, administrators and assigns, shall have, possess and enjoy for the term of seven years, from the first day of June next, the sole and exclusive right of erecting, running and driving during the term aforesaid, such and so many stage waggon from and to the village of Canandaigua, and the village of Utica aforesaid, on and along the Genesee road or Seneca turnpike, as may be sufficient to accommodate such a
 - 2 number of passengers as may from time to time apply ; and that it shall not be lawful for any other person or persons during the term aforesaid, to erect or establish a stage or line of stages on said route, under the penalty of five hundred dollars, to be recovered by the said Levi Stephens and Jason Parker, their executors, administrators or assigns to their own use, together with costs, by an action of debt, in any court of record having cognizance thereof.
 - 3 11. And be it further enacted, That the said Levi Stephens and Jason Parker, their executors, administrators and assigns, shall furnish and provide at least four good and sufficient covered stage waggon or sleighs, with sufficient horses, to run between the
 - 4 places aforesaid ; and that the fare to be paid by each passenger, shall not exceed five cents for every mile, with the liberty to every such passenger of taking with him in such carriage fourteen pounds weight of baggage, and that for every one

hundred and fifty pounds weight of baggage over and above such fourteen pounds weight of baggage as aforesaid, the sum of five cents for every mile shall be paid, and so in proportion for any greater or less quantity ; and that such stage waggon, or waggons or sleighs, shall proceed at least twice in every week, during the said term on the line aforesaid : *Provided always,* 6
That if the said Levi Stephens and Jason Parker, their executors, administrators or assigns, shall wilfully neglect or refuse to perform the duties aforesaid, according to the true intent and meaning of this act, that in such case this act shall cease, and the right and privilege hereby granted shall be null and void.

III. *And be it further enacted,* That the said Levi Stephens 7
and Jason Parker, their executors or administrators, shall uniformly start the said stage, and proceed upon days stated and appointed for that purpose ; and shall for all the time in each 8
year, between the first day of June, and the first day of October, perform and accomplish the said route between the villages aforesaid, within forty-eight hours (unavoidable accidents excepted) from and after the time so as aforesaid appointed and stated, for the starting and proceeding of the said stage ; and 9
that they shall not take into the said stage at any one time, more than seven grown passengers with their usual travelling baggage, to be conveyed upon the said road without the unanimous consent of the said seven passengers ; and whenever a 10
greater number of persons than seven shall apply for passage, and cannot be accommodated as aforesaid, if to the number of four grown persons, the said Levi Stevens and Jason Parker, their executors or administrators, shall immediately fit out and start an extra stage, covered and convenient for the conveyance and accommodation of stage passengers, and which said extra stage shall be subject to all the rules and regulations of the said principal stage ; and if at any time any person or number of persons less than four, who cannot be accommodated by a passage in the said principal stage, and shall apply for an extra passage for any distance more than ten miles upon the said road, and shall at any usual stage house in the said villages of Utica and Canandaigua, offer the fare for four passengers at six cents per mile, then and in such case it shall be the duty of the proprietors of the said stage, immediately to fit out and start an extra stage as aforesaid, for the accommodation of the said person or persons applying for passage as aforesaid : *Provided always,*

IV. *And be it further enacted,* That nothing herein contained 11
shall be construed to prevent or restrain any person or persons from travelling upon the said road in private carriages.

Banks.

C H A P. XXXIX.

C O N T E N T S.

1. Comptroller, to invest certain monies in state bank stock.
6. ----- Authorized to borrow monies.
2. Dividends, compt. to draw warrants in favor of the treasurer for.
8. Governor, his duty in case of a vacancy in the office of treasurer.
3. Shares, to be subscribed on behalf of the state, number limited.
9. Transfer of stock in the state bank, how to be made.
7. Treasurer, his office becoming vacant, who to perform his duties.
10. ----- Certain parts of acts relative to the office of, repealed.
5. Treasurer's Accounts with state bank, monthly statements of, to be procured by the comptroller.
4. State Bank, a deposit for monies received into the treasury.

An ACT to authorize the Comptroller to subscribe on the Part of this State, to the Stock in the New-York State Bank, and for other Purposes.

Passed March 31st, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the amount of such sums of money as have been paid into the treasury since the eighth day of January, one thousand eight hundred and three, and shall hereafter be paid into the treasury by persons indebted to the people of this state by mortgage, for or on account of principal money due thereon ; and also the amount of all such sums as shall be paid on account of principal and interest of monies loaned by virtue of an act passed the eighteenth of April, one thousand seven hundred and eighty-six, shall, from time to time, be invested by the comptroller, on behalf of the people of this state, in the stock of the New-York state bank ; for which purpose he is hereby authorized and required, at such times as he shall deem expedient, to subscribe, in the name and on behalf of the people of this state, for so many shares of the said stock as the monies so paid shall amount to, and to draw warrants on the treasurer, who shall pay the same out of any monies in the treasury : And it is hereby made the duty of the comptroller, from time to time, to draw warrants in favour of the treasurer for the dividends and profits of the said shares :
2. *Provided*, That the number of shares to be subscribed by virtue of this act shall not exceed four hundred.
3. *II. And be it further enacted*, That the New-York state bank shall be the place of deposit for all monies which may at any time hereafter be in the treasury of this state, except such sums as may be deposited to the credit of the treasurer in the bank of New-York, any law to the contrary notwithstanding : And it shall be the duty of the comptroller to procure from the books of the said bank, monthly statements of the monies which shall be received into and paid out of the same on account of the treasurer of this state.

III. *And be it further enacted*, That the comptroller be and he is hereby authorized to borrow monies of any of the banks of this state in which the state shall hold stock, whenever the situation of the treasury shall render it necessary, to satisfy legal demands on this state, and which by law are directed to be paid; and he shall draw his warrant on the treasurer for the amount of such loans, and the interest thereon, to be paid out of the first unappropriated money which shall be in the treasury. 6

IV. *And be it further enacted*, That in case of the death or inability of any treasurer to execute his office during the recess of the legislature, or in case the person administering the government of this state shall declare the office of treasurer vacant, pursuant to the second section of the act entitled "An act to appoint a treasurer, and to amend the act, entitled "An act relative to the office and duties of the treasurer of this state," passed 8th February, 1803, then and in such case it shall be lawful for the president, directors and company of the New-York state bank to execute the office of treasurer in respect to the receiving and paying money, in the same manner as the treasurer of this state is or shall be authorized and directed to do by law, until other provision be made; and the person administering the government of this state shall, by proclamation, give public notice of such death, inability or vacancy. 7 8

V. *And be it further enacted*, That no transfer of stock in the New-York state bank, hereafter to be made, shall be valid or effectual until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors, and unless the persons making the same shall previously discharge all debts due by him or her to the said corporation which exceed in amount the residuary stock of such person. 9

VI. *And be it further enacted*, That the third section, and so much of the fifth section of the act, entitled "An act relative to the office and duties of the treasurer of this state," passed 20th March, 1801, as relates to the bank of Albany, and the third section of the act, entitled "An act to appoint a treasurer," and to amend the act, entitled "An act relative to the office and duties of the treasurer of this state, and for destroying certain bills of credit," passed 8th February, 1803, and so much of the second section of the said last mentioned act as respects the execution of the duties of the treasurer by the president, directors and company of the bank of Albany, shall be and hereby are repealed. 10

C H A P. CXVII.

An ACT to restrain unincorporated Banking Associations.

Passed April 11th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, no person unauthorized by law shall subscribe to or become a member of any association, institution or company, or proprietor of any bank or fund for the purpose of issuing notes,

receiving deposits, making discounts, or transacting any other business which incorporated banks may or do transact by virtue of their respective acts of incorporation : And if any person unauthorized by law as aforesaid, shall hereafter subscribe or become a member or proprietor as aforesaid, he shall forfeit and pay, for every such offence, the sum of one thousand dollars, to be recovered by any person who shall sue for the same, in an action of debt, one half thereof to his own use, and the other half to the use of the people of this state ; and all notes and securities for the payment of money, or the delivery of property made or given to any such association, institution or company, not authorized as aforesaid, shall be null and void : *Provided nevertheless*, That nothing herein contained shall be held in any way to extend to the association in the city of Albany, known by the name of the Mercantile Company, nor the association in the city New-York, known by the name of the Merchants' Bank, until the first Tuesday in May, one thousand eight hundred and five.

II. *And be it further enacted*, That all unincorporated associations, institutions or proprieties, formed for any of the purposes aforesaid, that now exist in this state, shall after the first Tuesday of May, one thousand eight hundred and five, cease to issue notes and to loan money ; and any person concerned or interested in the issuing any such notes or loaning any such money as aforesaid, after the first Tuesday of May, one thousand eight hundred and five, shall forfeit and pay, for every such offence, the sum of one thousand dollars to be recovered and disposed of in the manner prescribed in the first section of this act.

Churches.

C H A P. LII.

An ACT to authorize the Trustees of the Reformed High Dutch Church, styled Sanctity Church, in the Town of Germantown, in the County of Columbia, to sell a certain stone Dwelling House and Barn with one Acre of Ground on which the House and Barn stand.

Passed April 4th, 1804.

WHEREAS the trustees of the reformed High Dutch church styled Sanctity church, at Germantown in the county of Columbia, have by their petition to the legislature prayed for leave to sell for the benefit of the said church, a certain stone dwelling house and barn, with one acre of ground on which said house and barn stand, belonging to the said church in Germantown aforesaid : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That full power, good right and lawful authority, shall be and hereby is granted to the trustees of said church, to sell and alien in fee, all right and title belonging to the said church, or vested in them as its trustees, of and in a certain stone dwelling house and a frame barn, with an acre of ground, situate in said town of Germantown aforesaid, bounded

on the south by the highway, and to the east, north and west, by lands belonging to Gerrit Cock and Abraham Cock.

II. *And be it further enacted*, That the said trustees shall sell the said land for the best price which can be obtained for the same, and put out the monies arising from the said sale at interest on good real security for the use of the said church.

C H A P. LX.

An ACT to enable the Trustees of the first Presbyterian Church in Goshen, to sell a Part of their Parsonage Lands, for the Purposes therein mentioned.

Passed April 5th, 1804.

WHEREAS the trustees of the first Presbyterian church in Goshen are seised and possessed of three certain lots of land, situate in the village of Goshen, adjacent to the court house and academy in said village, containing together about one hundred and seventy acres : And whereas the said trustees have represented to the legislature, that it would have a tendency greatly to increase the funds of the said corporation, for the support of the gospel in said church, as well as to improve the said village, if they should be authorized and empowered by law to sell in fee simple, a part of the said three lots of land in small building lots. The legislature being willing to comply with their wishes in the premises : Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the trustees of the first Presbyterian church in Goshen, and their successors, shall be and hereby are authorized and empowered to sell and convey in fee simple, any part of said three lots of land belonging to said church, not exceeding in the whole twenty acres, to be laid out in small building lots, the largest of which shall not exceed one acre : *Provided always*, That the said sales or any of them shall in no wise encroach upon the dwelling house, out houses, barns, yards, gardens and orchard, on the most easterly of said three lots of land.

II. *And be it further enacted*, That the money arising from the sale or sales of the said small lots of land, or of any of them, shall be, by the said trustees and their successors, put out and kept out at interest on approved landed security, of at least double the value thereof, from time to time, as the same shall be received by the said trustees or their successors, and the interest arising from the monies so to be put out and kept out at interest, shall be by the said trustees and their successors, appropriated to the use of the minister for the time being in said church, and for the support of the gospel therein, or to be added to their principal money, and put out at interest as aforesaid, and upon like security as to the said trustees, shall appear most likely to carry into effect the pious and benevolent intentions of the original donors of the said three lots of land.

III. *And be it further enacted*, That if the said trustees, or their successors, or so many of them as shall be present and do consent to dispose or make use of the whole or any part of the principal money or permanent funds arising from the sale or sales of the said small lots of land, or any of them, contrary to the directions of this act, shall be jointly and severally liable to pay the same to the use of the said church, with costs of suit, in an action of debt, to be brought against them, or any one of them, in any court of record having cognizance thereof, by the clerk of the said board of trustees, or their successors, whose duty it shall be to commence said action in his own name, at the request of any two members of said congregation; and when the said money shall be recovered, after all necessary expenses are deducted, it shall be paid to the treasurer of the said corporation, and become a part of the permanent funds of the said church.

Taxes.

C H A P. XLVIII.

C O N T E N T S.

5. Advertising, comptroller his duty herein.
11. ----- Owners of lands advertised, to pay a certain sum for.
8. Comptroller, to give certificates of amount of taxes and costs.
10. Expense of obtaining transcripts of houses, &c. sold, how paid.
3. Houses and Lands sold, transcripts of lists of, compt. to procure.
5. Lands on which taxes are due, to be advertised for sale.
6. ----- To be sold, unless taxes are paid within three years.
9. ----- Owners of parts of tracts of, may pay proportion of taxes.
4. Lien, taxes to be a lien on lands disincumbered of the direct tax.
8. ----- To be discharged on payment of taxes, costs, &c.
7. Privilege of Redemption, when owners of lands, shall be barred of.
1. Taxes, amount of, due the U. States within this state, comptroller to ascertain...2. And cause to be paid to the proper officer.

An ACT to authorize the Payment of the Arrears of the Direct Tax of the United States within this State.

Passed April 3d, 1804.

WHEREAS it is apprehended that certain practices which have obtained in this state relating to the sales of land for the direct tax, under the authority of the United States, will produce many and extensive evils; for remedy whereof,

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the comptroller shall as soon as may be after the passing of this act, ascertain the amount of the taxes assessed and imposed on the houses and lands in each of the collection districts into which this state was divided, pursuant to the directions of the act, entitled "An act to lay and collect a direct tax within the United States," which remains due and unpaid; and also the amount of the taxes, charges and costs which may be payable for the redemption of lands

or houses which have been sold under the authority of the before recited act; and having ascertained the same, he shall draw a warrant on the treasurer for the amount, and cause the same to be paid to such officer of the United States as is or shall by law be authorized to receive the same. 2

II. *And be it further enacted*, That it shall be the duty of the comptroller to procure from the proper officer, at the expense of this state, correct transcripts of the lists of all the tracts of land, or lots and houses which have been sold, either in whole or in part, for non-payment of the said tax. 3

III. *And be it further enacted*, That any tax paid in pursuance of this act, and the interest and charges respectively, together with an interest of fourteen per cent per annum, to commence from the period of the payment thereof by the treasurer of this state, shall be a lien upon the real estate so disincumbered from the tax, interest and charges imposed thereon by virtue of the before recited act of the congress of the United States, until the same tax, interest and charges thereon respectively, together with the said interest of fourteen per cent per annum, upon the whole amount thereof, shall be paid or received, notwithstanding any alienation or division in the whole or in part which has or shall take place, and such lien shall be considered a mortgage: And the comptroller shall, as soon as conveniently may be after procuring transcripts of the lists of lands which have been sold for the non-payment of the said tax, cause notice to be given, for the space of three months, in the newspaper printed by the printer to this state, and in two of the newspapers printed in the city of New-York, and one in the county of Oneida, that unless the owners or other persons in their behalf, shall, within three years after the date of such notice, pay to the treasurer of this state the amount of tax, charges, costs and interest thereon, and expense of publication, which may be respectively due, so much of the said lands will be sold at public vendue, at the city-hall of the city of Albany, to the highest bidder, as shall be necessary to pay the same, together with the charges of such sale: And the comptroller shall cause such sale to be made accordingly, giving three months previous notice thereof in the manner before prescribed, after the time hereby limited for the payment of such tax, charges and costs, and interest thereon, and expense of publication: And the comptroller shall, on every such sale, give to the purchaser a certificate thereof; and if any person, claiming title to the lands described in such certificate, shall not, within three years from the date thereof, pay to the comptroller, for the use of the purchaser, his heirs or assigns, the amount for which such land shall be sold, together with an interest of fourteen per cent per annum from the date of the said certificate, the comptroller shall, at the expiration of the said three years, execute to the purchaser his heirs or assigns, in the name of the people of this state, a release for the lands so sold. 4 5 6 7

IV. *And be it further enacted*, That the comptroller shall from time to time, give to any person requiring the same, a certifi- 8

cate of the amount of any such tax, charges and costs, and interest thereon, and expense of publication ; and it shall be lawful for the treasurer to receive and give a receipt for the same, upon such certificate, which shall be countersigned by the comptroller, and the payment thereof entered in the books in his office, and thereupon the lien on the said land shall be discharged.

- 9 V. *And be it further enacted*, That if a sum in gross is charged upon any lot or tract of land owned by several proprietors, each proprietor may pay any part of such charge proportionate to the number of acres owned by him, and the remainder of the charge shall be a lien upon the residue of the land only.
- 10 VI. *And be it further enacted*, That it shall be lawful for the comptroller to draw a warrant on the treasurer for the payment of the expense of procuring transcripts of the lists of all the tracts of land sold as aforesaid, and for defraying the expense of publishing the notices required by this act, which shall be paid out of any monies in the treasury.
- 11 VII. *And be it further enacted*, That the sum of twenty-five cents for each notice, shall be paid by each person liable to the payment of any tax within the purview of this act, towards de-
- 12 fraying the expense of advertising the same : And that for the services prescribed by this act, the same fees shall be allowed and paid by the parties respectively to the comptroller and treasurer, to be equally divided between them, as are allowed to the supervisor and marshal in and by the act of the congress of the United States, entitled " An act further to amend the act, entitled " An act to lay and collect a direct tax within the United States."

C H A P. LXXVI.

An ACT authorizing the Collection of the Arrears of Taxes in the Towns of Ovid and Aurelius, in the County of Cayuga.

Passed April 7th, 1804.

WHEREAS Isaac Goodrich, collector of the town of Aurelius, and John Simpson, junior, collector of the town of Ovid, have not settled with the treasurer of the county of Cayuga : And whereas the said treasurer hath issued his warrants against the said Isaac Goodrich and John Simpson, junior, agreeable to the act, entitled " An act for the assessment and collection of taxes," passed the eighth day of April, one thousand eight hundred and one ; and on the return of the said warrants it appears that there remains a deficiency in the town, county and state taxes, and it being uncertain what sums the said collectors have received from particular persons and the amount thereof : Therefore,

1. *BE it therefore enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer of the county of Cayuga be and he is hereby empowered and directed to receive the tax lists from the said Isaac Goodrich, collector

of the town of Aurelius, and from the said John Simpson, junior, collector of the town of Ovid, and return the same with the deficiencies to the comptroller, in the same manner as he might have done, had the said collectors made their respective returns agreeable to law.

II. *And be it further enacted*, That the comptroller be and he is hereby authorized and directed to receive the said returns, and collect all arrearages which he shall find due on the lands of non-residents, and make return to the treasurer of the said county of Cayuga the deficiencies which shall appear to be due of taxes laid on those who were inhabitants in the said towns, and the said arrears due from the inhabitants of the respective towns shall be re-assessed, collected and paid by the said inhabitants, in the same manner as other taxes are levied, collected and paid.

III. *And be it further enacted*, That in case the said Isaac Goodrich and John Simpson, junior, or either of them, shall refuse to deliver the said tax lists in their possession, with an account of the monies received by them respectively for taxes, on or before the first day of June next, they or either of them so refusing shall be subject to pay the deficiencies of the sums collected by him in an action of debt, to be brought by the treasurer of the said county in his own name, with costs of suit, which sum when received shall be for the use of the town where such deficiency was made by the collector.

C H A P. XCIV.

C O N T E N T S.

15. Act for the assess. and collect. of taxes, a proviso to, repealed.
11. Assessment Roll, &c. when to be delivered to the collectors.
6. ----- Forms of, &c. comptroller to procure, &c.
8. Collectors, before whom to make oath to returns of unpaid taxes.
1. Compt. his duty, where land shall be assessed in a wrong town.
2. ----- In his notices for the sale of lands, how to describe them.
4. County Treasurer, his duty respecting deficiencies of taxes.
13. ----- To compare returns of unpaid taxes with assessment rolls.
7. Lands, taxed for more acres than they contain, compt. his duty.
5. Supervisors, their duty in relation to deficiencies on taxes.
12. ----- When no state tax is raised, their duty.
14. ----- In the southern district, their duty when no s. tax is laid.
3. Taxes, for deficiencies of, on real estates, compt. to credit c. treas.
- 9, 10. ----- Twice paid, &c. comptroller's duty respecting.

An ACT supplementary to the Act for the Assessment and Collection of Taxes.

Passed April 9th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That in case it shall be made to appear satisfactorily to the comptroller, that any tract of land has been or shall hereafter be assessed in a wrong town, he shall in the margin of the assessment roll or in the return of unpaid

taxes, made by the collector of the town in which such erroneous assessment has been made, make an entry of such error, and on application to him for a certificate of the tax due on any such tract of land, he shall designate the town in which the same land is included, and on payment of the sum due, the lien on the same shall be discharged.

- 2 II. *And be it further enacted*, That the comptroller, in all notices to be given by him for the sale of lands for taxes, shall insert the description of such lands as contained in the assessment roll, if there be any such description; in case there is no such description, then he shall insert therein the valuation contained in such roll.

- 3 III. *And be it further enacted*, That the comptroller in settling the accounts of the county treasurers, in relation to taxes, shall
4 credit the amount of deficiencies on real estates only; and that such treasurers shall furnish the supervisors of their respective
5 counties with an account of the deficiencies of taxes on personal estate, and of the delinquencies of collectors if any; and that it shall be the duty of such supervisors to cause the amount of such
6 deficiencies and delinquencies to be raised in the next tax, in the same manner as is directed in and by the seventeenth section of the act for the assessment and collection of taxes.

- 6 IV. *And be it further enacted*, That the comptroller shall at the expense of the state, procure blank forms of assessment rolls, and of returns of unpaid taxes, and shall transmit such number of the said forms as he may deem proper, together with such instructions as he shall think necessary or advisable for the purpose of obtaining an uniform and proper execution of the act hereby amended, to the clerks of the several counties of this state, who shall distribute the same among the town clerks to be delivered to the assessors, whose duty it shall be to complete the assessments in their several towns in the manner required by such instructions.

- 7 V. *And be it further enacted*, That if it shall hereafter appear that any specific tract of land returned under the head of unknown owners, or if any tract of land charged in the name of the reputed owner or possessor, has been or shall be taxed for a greater quantity of acres than is contained in such tract, the comptroller shall credit the excess of taxes charged thereon in proportion to the excess of land specified in the assessment roll, and shall transmit an account thereof to the supervisors of the county to be reassessed the next tax.

- 8 VI. *And be it further enacted*, That in case of the absence from the county of the county treasurer, his death or inability to administer the oath required by the twelfth section of the act hereby amended, it shall be lawful for the collectors to make oath to their returns of unpaid taxes before any justice of the peace residing in the same town, and the justice who shall administer such oath, shall make an indorsement on such return of the cause which prevented such collector from making his return, and swearing to the same in the manner prescribed by the said twelfth section, and such returns as have already been made to the comptroller, and are sworn to before a justice of the peace,

shall be valid in the same manner as if the oath had been administered by the county treasurer.

VII. *And be it further enacted,* That in all cases in which it shall be made to appear to the comptroller, that any tax returned as unpaid was previously to such return being made paid to the collector, the comptroller shall be and is hereby authorized to cancel such tax on the books in his office, and in cases of payment into the treasury of such tax, he shall draw a warrant on the treasurer for the amount, and shall transmit an account thereof to the supervisors of the county, who shall cause the same to be collected of the collector who committed such mistake.

VIII. *And be it further enacted,* That if it shall appear to the comptroller, that any tax has by mistake been paid into the treasury of this state more than once, the comptroller shall be and is hereby authorized to draw a warrant on the treasurer for the reimbursement of the sum so erroneously paid.

IX. *And be it further enacted,* That the assessment rolls and warrants directed to be made out and delivered to the collectors of the several wards and towns in this state, by the fifth section of the act hereby amended, shall be delivered to them respectively on or before the second Tuesday of November in every year.

X. *And be it further enacted,* That when there is no state tax to be raised, the supervisors of the several counties shall not be required to transmit copies of the assessment rolls to the comptroller, as required by the fifth section of the act hereby amended, but in lieu thereof shall cause their clerk to ascertain the aggregate amount of the valuation of real and personal estate in the several towns or wards in the same county, and transmit a certificate of the same to the comptroller on or before the first day of February in every year.

XI. *And be it further enacted,* That it shall be the duty of the several county treasurers carefully to compare the returns of unpaid taxes, made by the several collectors, with the original entries of the same taxes in the assessment rolls; and the said returns shall specify the owners' names of real estate where the same are inserted in the assessment roll, the quantity of land, description and valuation of the same, as well as the tax remaining due and unpaid; and the county treasurer shall endorse on the same returns a certificate of such examination, and that the entries therein contained are an exact transcript from the assessment rolls.

XII. *And be it further enacted,* That when no state tax is to be raised the several boards of supervisors in the several counties in the southern district of this state, at their annual meeting shall after having ascertained the sum to be raised on each town, proceed to make out and sign the warrants to the collectors of the several towns as the law directs, and deliver the same, with the assessment roll, to the supervisors of each town; and the said supervisors shall ascertain and set down opposite to each person's name, the sum to be paid as a tax thereon, or cause the same to be done as the law directs, and make one fair copy thereof,

and sign his own name thereto, and deliver the said assessment roll, together with the warrant, to the collector of said town, on or before the second Tuesday of November in each and every year, any law to the contrary notwithstanding.

- 15 XIII. *And be it further enacted*, That the proviso in the eighteenth section of the act, entitled "An act for the assessment and collection of taxes," shall be and the same is hereby repealed.

Partition.

C H A P. LXX.

An ACT for the Partition of certain Lots of Land in the Town of Southampton, County of Suffolk.

Passed April 7th, 1804.

WHEREAS the common lands belonging to the town of Southampton, in Suffolk county, have been divided among the proprietors of the said town, and the greatest part of the lands so divided are now owned by a number of persons as tenants in common: And whereas it is necessary for the preservation of the wood growing on the said lots so owned in common, that some mode of division less expensive to the owners than the present mode prescribed by law be adopted: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That on application of any owner in such lot or lots, to the trustees of the said town, for a partition of such lot or lots among the owners of the same, other than the said trustees, or either of them, it shall and may be lawful for the said trustees, on the said applicant making oath before the said trustees, which oath they are hereby authorized to administer, that he has given ten days notice to the other owners of the said lot or lots residing in the same county, of his intention to make such application for the partition of the same, to appoint commissioners to make partition of such lot or lots among the owners thereof; and the said commissioners, after making such partition, shall make a return thereof under their hands and seals, and acknowledged before a justice of the peace, to the trustees, within twenty days from their being appointed, for the approbation of the said trustees, and if they shall approve of the partition made as aforesaid, they shall certify the same on the return of the partition, and shall cause the same to be entered on record in a book to be provided by them for that purpose; and also of entering the petition, affidavit, and all the necessary proceedings relative to such partition, but if they shall not approve of such partition, they may order another partition to be made of the same lot or lots.

II. *And be it further enacted*, That the accounts of the commissioners to be appointed as aforesaid, for making such partition, shall be audited by the said trustees, and shall be allowed not to exceed two dollars per day for their services,

III. *And be it further enacted*, That if any owner of the lot of land which shall be so divided, shall neglect or refuse to pay his proportion of the expense of such partition, which expense shall be in proportion to the number of acres allotted to such owner, it shall and may be lawful for the said trustees to sell at public vendue, so much of the land belonging to the person so neglecting or refusing as will be sufficient to pay his proportion of the expense aforesaid, and of the sale and advertising the same, at least ten days by an advertisement to be set up at the usual place of setting up advertisements in the said town of Southampton, which expense of sale, advertisement and giving a deed by the trustees, shall not exceed the sum of two dollars.

IV. *And be it further enacted*, That the partition of lots so to be made as aforesaid, shall be good and valid, any law, usage or custom to the contrary in any wise notwithstanding.

C H A P. LXXVIII.

C O N T E N T S .

- 1, 2. Certain alterations made in the act for the partition of lands.
- 3, 4. The children of Anthony Rutgers deceased, altho infants, authorized to execute releases to complete a partition of certain lands.

An ACT supplementary to the Act for the Partition of Lands, and for other Purposes.

Passed April 9th, 1804.

WHEREAS it frequently happens that tenants in common, of lands, tenements or hereditaments, are unable to discover who are their co-tenants, or to set forth the rights and titles of the respective parties interested in the premises: Therefore,

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in every case where any one or more of the parties interested in common as aforesaid, shall present a petition to either of the courts of common pleas within this state, for the partition of any real estate, lying in the county where the said courts shall respectively be held, or to the supreme court for the partition of any real estate within this state, describing the same real estate, and his, her or their interest therein, and shall have complied with the directions of the act for the partition of lands, in respect to all the persons known to be interested as tenants in common in the same, and shall in the said petition suggest, and also make an affidavit, that he, she or they, is or are ignorant of the other persons interested as tenants in common, in the said lands, tenements or hereditaments, or some of them, the court shall direct a copy of the said petition, and a notice to the parties concerned in the said lands, tenements or hereditaments, and unknown as aforesaid, in such form as may be thought proper, to be published in one of the public newspapers printed in each of the cities of New-York and Albany, for the space of at least three months; and

such publication shall be deemed sufficient notice to the parties so interested, though their names shall not be mentioned therein ; and upon due proof by affidavit of such publication, the court may proceed to make rules for the persons interested in the said lands, tenements and hereditaments, and unknown as aforesaid, to appear and shew title to the proportions which they may claim of the same, and to answer the said petition, and if such persons shall appear and shew title as aforesaid, the proceedings shall in all respects thereafter be conformable to the said act, as if the said parties had been originally named in the said petition ; but if the said parties shall not appear and shew title as aforesaid, then the court shall nevertheless proceed to appoint commissioners, and partition shall be made according to the directions of the said act, and the parties unknown shall thereupon be entitled in severalty to the proportions of the said lands, tenements or hereditaments, which shall be set apart for them respectively, or of the money arising from the sale thereof, as the case may be ; and it shall be lawful for the said court to direct such money to be placed at interest and secured for the benefit of such parties until claimed, after deducting their just proportions of the expenses of such proceedings, or in case no such sale has been made, then to direct an execution for levying the said proportions out of the shares of the said parties unknown, which may fall to them respectively upon such partition : *Provided always*, That such partition shall not be deemed in any manner to conclude persons not named in such proceedings, and having or claiming any right or title of and in such property, from controverting the title and interest of the parties who may apply for or obtain such partition : *And provided also*, That such petitioners shall not be entitled to take out of court any of the money arising from any such sale, until they shall give security to the satisfaction of the court to refund the same with interest, in case they shall appear at any time thereafter not to have been entitled thereto : *And provided further*, That nothing in this act contained, shall be construed in any manner to authorize the revival or prosecution of any claim to lands, which might otherwise be barred by the statute of limitation, or the acquiescence of any party having such claim, or to aid the prosecution of any claim that may not be so barred, but every such claim shall be and remain in the same situation as if this act had not passed.

- 2 II. *And be it further enacted*, That the supreme court may, in all cases, appoint such three reputable freeholders as they may think proper, to be commissioners to make partition ; and in case the lands, tenements or hereditaments to be divided shall be in more counties than one, may appoint different com-
- 3 missioners for the several counties, or any of them. Whereas it is represented to the legislature by the petition of Jonathan Lawrence and others, that the petitioners were seised in fee simple, as tenants in common with Anthony Rutgers, deceased, of and in all that certain tract of land situate in the county of Clinton, within this State, commonly known by the name of Dean's pa-

tent : That in order to save expense to the parties interested in the said tract of land, they have, by mutual consent, made a just and equitable partition thereof among the proprietors : That the said Anthony Rutgers was seised of only one undivided thirtieth part of the said tract of land, and that he hath left a widow and four children, to wit, Cornelia Rutgers, Eliza Ann Rutgers, Gertrude Rutgers, and Mary Gouverneur Rutgers, who are infants under the age of twenty-one years : That all the said proprietors, except the said infants, have executed mutual releases to each other, pursuant to the said partition, but by reason of the infancy of the said children of the said Anthony Rutgers, the said partition cannot be completed on their part without legislative aid : Therefore,

III. *Be it further enacted*, That it shall be lawful for the said infants respectively to execute releases for completing the said partition on their part, and that upon the execution and delivery thereof the same shall be good and effectual in law to all intents and purposes as if executed by persons of full age.

Powder.

C H A P. LXXXV.

An ACT authorizing the Commissary of Military Stores to distribute the damaged Powder of this State to the different Companies of Artillery.

Passed April 9th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissary of military stores be and he is hereby authorized and required to distribute the damaged powder belonging to the people of this state, among the different companies of artillery, in equal proportions, and to deliver the same to the commanding officers of such companies, or their order.

II. *And be it further enacted*, That it shall be the duty of the commissary of military stores, as soon as conveniently may be, to deposit in the arsenal, in the city of Albany, such proportion of the powder as will belong to the different companies of artillery in the eastern and western districts, except the same is already deposited in one of the said districts.

Fires.

C H A P. CIV.

An ACT for the better Extinguishing of Fires in the Village of Sing-Sing, in the Town of Mount-Pleasant, in the County of Westchester.

Passed April 9th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be

lawful for the freeholders and inhabitants of the said village, having a right to vote at town meetings, and residing within the following limits, to wit : Beginning at the Hudson's river, where a run of water between Daniel Delavan and Albert Orfer, empties into the said Hudson's river north of Sing-Sing, from thence eastwardly on a straight line to the house of Solomon Sherwood, esquire, including the said Solomon Sherwood ; thence southerly and southwesterly along the country road to the post-road ; thence southerly along the said post-road to the landing of William Kemyes on the said Hudson's river ; thence northerly along the said Hudson's river to the place of beginning, including all houses within the said bounds ; and also all the houses on each side of the before mentioned roads, to assemble together on the third Monday in May next, at the house Nathaniel Holmes, innkeeper in said village, and on the first Monday in May in every year thereafter, at such place as shall be agreed on by a majority of votes at their last meeting, and then and there by a majority of the votes of those so met, and having a right to vote, choose so many able bodied men, residing within the limits aforesaid, as a majority of those so met shall think proper, not exceeding fifteen men to each engine, to have the custody, care and management of each, and every fire engine or engines that may be procured by the inhabitants of said village, and all other tools and instruments for extinguishing fires within the said limits, and all or any of the persons so by them to be chosen from time to time at any such meeting to remove or displace, and any other person or persons in his or their place and stead to choose as aforesaid, and that the persons so chosen, shall be called the firemen of the village of Sing-Sing, and shall be ready at all times as well by night as by day, to manage, work and exercise the said fire engine or engines, and the other tools and instruments aforesaid, and shall be subject to such rules, orders and regulations as the freeholders and inhabitants residing in the said village within the said district, and having a right to vote as aforesaid, shall at such meeting from time to time make and establish for the better government of the said firemen, and likewise at every such meeting, to choose in manner aforesaid, one or more proper persons residing within said district, to be their clerk, whose duty it shall be to enter all the names of such persons so chosen firemen as aforesaid, in a book to be by him provided and kept for that purpose, and to make an entry of all the proceedings in the said book at every such meeting, and likewise that a majority of the freeholders and inhabitants at their meetings as aforesaid, are hereby empowered to direct and require the inhabitants and owners of houses, to provide themselves with such and so many fire-buckets to be ready in their respective houses for the purposes of extinguishing fires which may happen in the said district, and to impose such reasonable fines and penalties for every default or disobedience of such rules and regulations, or deficiency of buckets, as a majority of the said freeholders at their said meetings as aforesaid, shall think proper, which fines, penalties and forfeitures shall be recovered

before any justice of the peace in and for the said county, by the said clerk, in an action of debt, with costs, in his own name, and when recovered shall be applied towards keeping in repair the said fire engines and tools thereunto belonging.

II. *And be it further enacted,* That every such person so to be chosen a fireman as aforesaid, shall be and is hereby declared to be during his continuance as a fireman, and no longer, exempted and privileged from being impanelled on any jury or inquest, except jurors in justices' courts, and coroner's inquests, and a certificate from the clerk aforesaid, shall be a sufficient evidence of such privilege and exemption.

Beef and Pork.

C H A P. XCIII.

C O N T E N T S.

4. Barrels, of what timber to be made...5. What weight to contain.
6. ----- Of what dimensions to be made, and how hooped.
9. ----- Half, how to be made.
10. ----- In Suffolk, Queens and Kings, of what timber may be made.
28. ----- If larger than directed by law, what to be done.
- 8, 29. Brand, barrels how to be branded.
17. Beef, none but good, to be repacked for exportation after 1st Oct.
19. ----- What to constitute Mess...20. Prime...21. Cargo.
23. ----- The fore leg to be cut off in the knee joint.
36. ----- From other states, when not liable to re-inspection.
51. Butchers, licensed, authorized to put up beef and pork.
52. Diseases, infectious, &c. act relative to, not hereby affected.
39. Fees to repackers, to be paid before provisions are removed.
9. Half Barrels, how made and of what capacity.
7. Heading and Staves, to be of a certain thickness.
6. Hoops, quality of, and number to be put on each barrel.
53. Inspection of beef and pork, former laws repealed after 1st Sept.
30. Jews, beef killed according to the rites of, how put up & branded.
34. Onondaga Salt, beef & pork, in what counties may be salted with.
25. Penalty, on persons other than inspectors for branding.
32. ----- On inspectors for neglect of duty or fraudulent practices.
33. ----- For shifting beef or pork, or changing brand.
35. ----- For exporting beef or pork without being branded.
44. ----- For neglect to give due notice to tappers.
48. ----- For suffering beef and pork to be exposed to the weather.
50. ----- How recovered and applied.
27. Pickle, beef and pork to be pickled with good and strong.
12. Pork, what to constitute Mess...13. Prime...14. Cargo.
15. ----- Half barrels of, how inspected and repacked.
36. ----- From other states, in what case not subject to re-inspection.
45. ----- When not to be stored more than three tier high.
1. Repackers, to be appointed...26. Compensation...31. Oath.
11. ----- To brand such beef and pork only as is well fattened.
18. ----- How to inspect beef...49. To repack only in their stores, &c.
24. ----- Not to inspect out of city or county for which appointed.
38. ----- Prohibited from dealing in beef or pork.

37. Returns to the governor, inspectors annually to make.
- 16, 22 34. Salt, quantity and kind to be used in salting & repacking.
22. Salt Petre, quantity to be put in each barrel of beef.
54. Secretary of State, his duty herein.
7. Staves and Heading, to be of a certain thickness.
2. Stores and Yards, repackers to provide themselves with.
3. Storage, in what case not allowed to repackers.
40. Tappers, two in the city of New-York, to be appointed.
42. ----- Owners of pork, stored in New-York, to give notice to.
41. ----- Their duty...43, 46. Further duty...47. Compensation.
- 4, 10. Timber to be used for barrels, of what kind.

An ACT for the Repacking and Inspection of Beef and Pork.

Passed April 9th, 1804.

- 1 **I.** BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the person administering the government of this state, for the time being, by and with the advice and consent of the council of appointment, before the first day of July next, to appoint not more than ten repackers and inspectors of beef and pork for the city and county of New-York, and one or more for each other county in the state, as shall from time to time be necessary ; also one inspector in the city of New-York, to inspect and put up beef killed agreeably to the rites and customs of the people called Jews.
- 2 **II.** And be it further enacted, That the repackers to be appointed by virtue of this act, shall provide themselves with good and sufficient stores or yards capable of receiving and storing such beef and pork as may be brought to them for inspection, in such places as will be most accommodating to employers and best calculated to facilitate their business ; but nothing shall be allowed for storage of any beef or pork inspected by them, if removed and taken away within three days after notice given to the owner or agent of its being repacked.
- 3 **III.** And be it further enacted, That all barrels in which any beef or pork shall be repacked, shall be made of good seasoned white oak or white ash staves and heading, free from every defect ; and each barrel shall contain two hundred pounds weight of beef or pork, the barrels to measure seventeen inches and an half between the chimes, and to be twenty-eight inches long, to be hooped with twelve good hickory, white oak, or other substantial hoops ; if the barrel be made of ash staves, the same shall be hooped with fourteen hoops at least ; the staves and heads to be made of good thick stuff, the heads not less than three quarters of an inch thick, and each and every stave, on each edge, at the bilge, shall not be less than half an inch thick, and at each chime, not less than half an inch thick when finished, otherwise they shall be condemned by the said repackers when brought to them respectively ; the hoops to be well set and drove, and the barrels to be branded on the bilge with at least the initial letters of

the cooper's name ; the half barrels to contain not less than fifteen nor more than sixteen gallons, and made in proportion to and of like materials as a whole barrel, and to contain one half the quantity of beef or pork of the whole barrel.

IV. *And be it further enacted,* That all beef and pork which shall be repacked in, and exported from the counties of Suffolk, Kings and Queens, may be packed in barrels made of good seasoned red oak staves and heading, of the growth of the said counties respectively, free from sap and every defect, and made otherwise as above directed, and all the said barrels shall be as nearly straight as may be, and without being subject to a re-examination if shipped or exported from the city of New-York.

V. *And be it further enacted,* That the repackers so to be appointed shall examine and sort all beef and pork which shall be killed after the first day of October next, to be by them repacked, and such only as is well fatted shall be branded by them ; that the best quality of pork shall be denominated mefs pork, and shall consist of none but the sides of good fat hogs, and the barrels containing it shall be branded on one of the heads, " mefs pork ;" and the second quality shall be denominated prime pork, of which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint, and shall not contain more than twenty-four pounds of head, which shall have the ears and snouts cut off, the snouts cut off to the opening of the jaws, and the brains and bloody grizzle taken out of the heads, and the rest of the pork to constitute a barrel of prime, shall be made up of side pieces, neck and tail pieces, and on one head of every barrel of such pork, shall be branded " prime pork ;" and the third quality of pork shall be denominated cargo pork, of which there shall not be in a barrel more than thirty pounds of head, and four shoulders, and shall be otherwise merchantable pork, and shall be branded on one head of each barrel " cargo pork ;" that every half barrel shall contain one half the quantity of the different kinds or qualities of pork of a whole barrel ; side pork, so to be repacked, shall be cut from the back bone to the belly, in pieces of about five inches wide, and which in weight shall not exceed twelve nor be under four pounds, otherwise the barrels containing the same shall not be branded as merchantable : In every whole barrel of pork there shall not be less than two and an half pecks of good St. Ubes, Isle of May, or other hard salt of equal quality, and in every half barrel ten quarts.

VI. *And be it further enacted,* That no beef that shall be killed after the first day of October next, shall be repacked in barrels for exportation, unless it be of fat cattle not under three years old ; that all such beef shall be cut into pieces as square as may be, and which shall not exceed twelve nor be under four pounds weight, that all beef which city or county inspectors shall find on examination to have been killed at a proper age to be fat and merchantable, shall be sorted and divided into three different sorts for packing and repacking in barrels and half barrels, to be denominated mefs, prime and cargo beef ; mefs beef shall

- consist of the choice pieces of such beef as is large and well fattened, without hocks, shanks, clod or necks, and may or may not contain two choice rounds out of the same cattle, not exceeding ten pounds weight each, and on one of the heads of each barrel containing two hundred pounds weight of beef of this description, shall be branded the words "mefs beef;" that prime beef shall consist of choice pieces of good fat cattle, of which there shall not be more than one half neck, nor more than two shanks (with the hocks cut off of the hind legs at the smallest place above the joint) in a barrel, and on one of the heads of all barrels and half barrels containing beef of this description, shall be branded the words "prime beef;" that cargo beef shall be of fat cattle, with a proportion of good pieces, and not more than one half of a neck, three shanks with the hocks cut off in the same manner as in prime, in a barrel, and to be otherwise merchantable, and one head of each barrel or half barrel containing beef of this quality, shall be branded with the words "cargo beef;" that the repackers shall not put less than two pecks of good St. Ubes, Isle of May, or other coarse salt of equal quality, into each barrel of the said beef, together with four ounces of salt petre, and one half of the said quantities into each half barrel: And further, that the fore leg of a beef shall be cut off in the knee joint.
- VII. *And be it further enacted*, That no inspector appointed by virtue of this act, shall inspect or brand any cask of beef or pork out of the city or county for which he shall be appointed under the penalty of twenty-five dollars for each barrel so inspected or branded; and if any person other than the said inspectors, shall brand any cask of beef or pork in the manner directed by this act, every person so offending shall forfeit the sum of fifteen dollars for each and every cask so branded.
- VIII. *And be it further enacted*, That every inspector shall have twenty cents for each barrel, and twelve and an half cents for each half barrel of beef or pork he shall inspect, salt and repack; twelve and an half cents, for flagging, pegging, nailing, salting and pickling; nine cents for four ounces of salt petre to each barrel; three cents for each hoop.
- IX. *And be it further enacted*, That all beef and pork repacked with in this state, shall be pickled with strong good pickle made of any kind of good clean salt, as much as will dissolve in good fresh water; and if the barrels and half barrels shall be larger than the dimensions aforesaid, the same shall be condemned by the repacker or to be filled up by him with good pieces of beef or pork, at the expense of the owner, if the owner shall so elect; and on the head of every barrel and half barrel of merchantable beef and pork inspected and repacked as aforesaid, shall be distinctly branded the weight it contains, with the first letter of the christian name, and the surname at full length of the inspector who has inspected the same, or both names at full length, with the words "New-York city," if inspected in the city and county of New-York, and the name of the county and the words "state of New-York," if inspected and branded in any other

county : *Provided always*, That all beef killed according to the 30 rites and customs of the people called Jews, shall be packed and put up according to the directions of this act, and shall be branded with the additional brand of that society : And further, that it shall be lawful to pack and put up the same in ten and five gallon kegs.

X. *And be it further enacted*, That every of the repackers to 31 be appointed by virtue of this act shall, before he enters on the the execution of his office, take the following oath or affirmation before any justice of the peace, to wit : " I do solemnly swear, or affirm, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office and duty of an inspector and repacker of beef and pork, or of beef, as the case may be, according to the true intent and meaning of the laws of this state relative to the same, and that I will not directly or indirectly brand, or suffer to be branded, any barrels of beef or pork, unless the same shall be of the qualities, and repacked according to the laws of this state."

XI. *And be it further enacted*, That if either of the inspectors 33 appointed by virtue of this act shall be guilty of any neglect or fraud in inspecting any beef or pork or of offering any fee or reward to owners of provisions or their agents, or any other person, in order to obtain the profits of inspecting or repacking the same, on any pretence whatever, or shall brand any cask containing beef or pork, contrary to the true intent and meaning of this act, or which has not been actually inspected agreeable to the laws of this state, he or they shall, for every such offence, forfeit and pay the sum of ten dollars.

XII. *And be it further enacted*, That if any person shall inter- 33 mix, take out, or shift any beef or pork of any barrel or cask inspected and branded as by this act is required, or put into any barrel inspected and branded, any other beef or pork for sale or exportation, or alter the face, or change the brand or mark of any inspector, contrary to the intention of this act, the person so offending shall, for each and every such offence, forfeit and pay the sum of twenty-five dollars.

XIII. *And be it further enacted*, That the salt manufactured in 34 the counties of Onondaga, Seneca and Cayuga, may be used in packing and putting up beef and pork in the counties of Herkimer, Oneida, Tioga, Cayuga, Onondaga, Seneca, Ontario, Steuben, Chenango, Otsego, Genesee, and St. Lawrence, any thing in this act contained to the contrary notwithstanding : *Provided always*, That the quantity of salt for each barrel of pork shall not be less than forty-six pounds weight, and not less than twenty-three pounds weight in each half barrel, and not less than thirty-eight pounds of said salt in every barrel, nor less than nineteen pounds in every half barrel of beef salted therewith.

XIV. *And be it further enacted*, That if any person or persons 35 shall export or ship for exportation out of this state, any beef or pork not being inspected, pickled or branded by one of the sworn

inspectors as aforesaid, every such exporter or shipper shall forfeit the sum of ten dollars for every barrel so exported or shipped.

- 36 XV. *And be it further enacted*, That all the beef and pork that shall be brought into this state from any other of the United States, and shall be packed and branded agreeable to the laws of the state it comes from, shall not be subject to re-inspection in this state.
- 37 XVI. *And be it further enacted*, That the inspector of each city and county, in the month of June in every year, shall make a return to the person administering the government of this state, of the whole number of barrels and half barrels of beef and pork inspected according to the directions of this act by him the year preceding, designating the different sorts and qualities of beef and pork, and the cities and counties in which the same was packed and inspected.
- 38 XVII. *And be it further enacted*, That no inspector or repacker of beef or pork shall hereafter buy or sell any beef or pork, excepting remnants which may be occasioned by the barrels over running or falling short of the weight required by law, except what such inspector may want for his own family consumption.
- 39 XVIII. *And be it further enacted*, That all beef and pork inspected, packed, repacked and pickled by the said inspectors, shall be paid for before the same is taken from the stores or yards of the said inspectors and repackers.
- 40 XIX. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, before the first day of June next, to appoint two of the repackers in and for the city and county of New-York, to be tappers or examiners, for the special purpose of tapping and examining all beef and pork in the months of June, July, August and September, which may be stored in the city of New-York.
- 41 XX. *And be it further enacted*, That it shall be the duty of the tappers or examiners to be appointed, and they are hereby required, once in each of the aforesaid months, to examine all pork that may be stored in the aforesaid city, south and west of the line designated in the third section of the act, entitled "An act supplementary to an act, entitled an act to provide against
- 42 infectious and pestilential diseases ;" and the owners or agents having the possession, care or direction of any pork stored in such part of the said city, are hereby required to give notice to the said tappers or examiners, or one of them, from time to time, during the said months, where the same is stored, and to permit the said tappers or examiners, or one of them, to enter into any such store for that purpose ; and such tappers or examiners are authorized and required to have or cause to be removed to proper places, without the bounds of the said city, all such pork as shall appear to them to be in danger of spoiling or becoming injurious to the health of the citizens of New-York ; and the said tappers or examiners shall, on information given to them of any beef or pork stored in the said city being in a putrid state, or likely to become so, go to the place or store

where the same is said to be, and shall examine the same immediately, and if necessary, to cause the same to be removed as aforesaid; and if any person shall neglect to inform the said 44 tappers or examiners, or one of them, where any barrels or casks of beef or pork belonging to or under his direction are stored as above mentioned, or shall oppose or obstruct the said tappers in the performance of the duty required of them by this act, such person shall forfeit the sum of twenty-five dollars for every such offence; and further, that all pork received and 45 stored in the months of June, July, August and September, shall be stored not more than three tier high, so that the said tappers or examiners may conveniently examine the same, under the penalty of ten dollars for every such neglect, and all provisions removed and examined by virtue of this act shall be at the expense of the owner or person having the care or charge of the same; and if, in the opinion of the tappers or examiners, 46 or either of them, any beef or pork shall be so damaged as to be injurious to the health of the city and its inhabitants, they shall cause the same to be removed and thrown into the east or north river; and that the tappers shall have four cents for every 47 ry barrel of beef or pork by him examined and tapped.

XXI. *And be it further enacted*, That no owner or dealer in 48 beef and pork shall suffer the same, after inspected, to be exposed to the heat of the sun or inclemency of the weather longer than twelve hours, under the penalty of five dollars for every such offence or neglect.

XXII. *And be it further enacted*, That no beef or pork shall be 49 repacked in any place in the city and county of New-York, except in such store or yard to be provided for the purpose by the said repackers, according to the directions of this act, under the penalty of twenty dollars for every such offence.

XXIII. *And be it further enacted*, That every of the forfeit- 50 ures and penalties aforesaid may be recovered, with costs of suit, before any justice of the peace, or in any court having cognizance thereof, by any person who shall sue and prosecute for the same, one moiety of which forfeiture and penalty, when recovered, shall be paid to the overseers of the poor of the city or town where the offence shall have been committed, for the use of the poor thereof, and the other moiety thereof to such person as will sue for the same as aforesaid.

XXIV. *And be it further enacted*, That nothing in this act 51 contained shall be construed to prevent any licensed butcher to put up beef in barrels or half barrels, tubs or kegs for ship stores, and in kegs or tubs for exportation: *Provided*, That such beef be put up by the person killing the same, and that the name of such butcher who shall put up the same shall be branded on the head of each barrel, half barrel, keg or tub, and the weight it contains.

XXV. *And be it further enacted*, That nothing in this act con- 52 tained shall be construed to affect or impair the true intent and meaning of the third section of the act, entitled "An act supplementary to an act, entitled "An act to provide against infectious and pestilential diseases."

- 53 XXVI. *And be it further enacted*, That from and after the first day of September next, all former laws so far as they respect the inspection and repacking of beef and pork, be and hereby are repealed : *Provided*, That that they shall be considered as in full force with regard to all actions and prosecutions, which may then be depending for any penalty or forfeiture incurred for the breach of the same : *Provided nevertheless*, That nothing herein contained shall prevent the exportation of any beef or pork inspected agreeable to law previous to the first day of September next, any thing in this act to the contrary notwithstanding.
- 54 XXVII. *And be it further enacted*, That it shall be the duty of the secretary of this state to transmit to the clerk of each county in this state, copies of such laws as shall from time to time be passed relative to the cutting, salting, inspecting and repacking of beef and pork, without fee or reward, immediately after the same are passed, for the use of each of the said inspectors in said counties ; and it shall be the duty of the said clerks respectively, to transmit to each of the said inspectors, a copy of the laws so transmitted to them as aforesaid.

Pedlers.

C H A P. XCIX.

C O N T E N T S.

15. Act to restrain pedlers, repealed.
9. Counterfeiting, or pedlers travelling with a counterfeit licence, declared guilty of forgery.
11. Licences, ped. trading without, may be taken up and prosecuted.
13. Offences against this act, suits for, to be brought within a limited period.
 1. Pedlers, sum to be annually paid into the treasury by them.
 2. ----- To be licensed by the secretary.
 8. ----- May be committed to prison on refusal to pay penalties.
 3. Penalty on pedlers for travelling without or contrary to licence.
 6. ----- How recovered and applied.
 - 7, 12. ----- On pedlers for refusing to shew licence.
 3. Secretary, his fees for licensing.
 10. Suit, persons molested for putting act into execution, how to plead.
 14. ----- Brot for refusing to shew licence, plff. not liable for misnam.
 4. Treasurer to keep an acct. of the duties received under this act.

An ACT to restrain Hawkers, Pedlers and petty Chapmen from selling without Licence in this State.

Passed April 9th, 1804.

1. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of July next, there shall be paid annually into the treasury of this state, by every hawker, pedler and petty chapman, or any other trading person or persons going from place to place, and travelling either on foot, or with a horse or horses or otherwise

within this state, (except as is herein excepted) and carrying to sell, or exposing to sale, any goods, wares or merchandize, of the growth, produce or manufacture of any foreign country, without the limits and jurisdiction of the United States, the following duties, to wit : For every person so travelling on foot, the sum of fifty dollars ; for every person so travelling with a single horse, or other beast bearing or drawing a burthen, the sum of eighty dollars ; and for every person so travelling with a waggon, cart, sled or other carriage drawn by more than one horse or beast, the sum of one hundred dollars ; and for every person conveying goods, wares or merchandizes as aforesaid, for the purpose aforesaid, in any boat or boats, navigating any of the waters within the bounds of this state, the sum of eighty dollars.

II. *And be it further enacted,* That every hawker, pedler or petty chapman, so travelling as aforesaid within this state, shall take a licence from the secretary of this state, and in order thereto, shall deliver unto the said secretary a note in writing under his or her hand, or under the hand of some person by him or her authorized in that behalf, how and in what manner, he or she will travel and trade, whether on foot or with one or more horse or horses, or other beasts bearing or drawing burthens, or with any sort of carriage or boat as aforesaid, and according to such notification he or she shall pay to the treasurer of this state, the sum or sums above mentioned, and upon producing a receipt from the treasurer, countersigned by the comptroller for such sum or sums, the said secretary shall issue such licence to be signed as aforesaid, to the person or persons making such payment, permitting him or her to travel with his or her wares and merchandizes for sale, for the term of one year according to such notification, and shall renew the same yearly in like manner if applied for : And for which licence the person or persons to whom the same shall be granted, shall pay to the said secretary for his services the sum of two dollars and no more, over and above the duties aforesaid, and which licence so obtained and granted shall be good and effectual : And the said treasurer shall keep a distinct account of the duties received by virtue of this act.

III. *And be it further enacted,* That when and as often as any hawker, pedler or petty chapman, from and after the said first day of July next, shall be found trading or disposing of goods as aforesaid, without or contrary to such licence, such person shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered on the complaint of any one who will sue for the same, before any justice of the peace within this state in a summary way, with costs of suit, one moiety whereof, when recovered, shall be paid to the informer, and the other moiety to the overseers of the poor of the town where such offender shall be prosecuted, for the use of the poor thereof : And if any offender who shall be so trading, on demand made by any justice of the peace, sheriff, constable, or any other person within this state, shall refuse to produce or shew his or her licence therefor, he or she shall forfeit the sum of ten dollars, to be paid to the over-

seers of the poor, where such demand shall be made for the use of the poor of the town; and on neglect or refusal to pay the same, the justice before whom such offender shall be convicted, shall by warrant under his hand and seal commit such offender to the gaol of the county where the offence shall be committed for the term of one month.

9 IV. *And be it further enacted*, That if any person or persons shall forge or counterfeit any such licence, or travel with any forged or counterfeited licence for the purpose aforesaid, such person shall be deemed guilty of forgery, and being convicted thereof, shall be punished accordingly.

10 V. *And be it further enacted*, That if any person or persons shall be sued, molested or troubled for putting in execution this act, for doing any matter or thing pursuant thereto, such person or persons shall and may plead the general issue, and give the special matter in evidence; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, or if a verdict pass against him, her or them, the defendant shall recover treble costs, for which execution shall issue as in other cases where costs are recovered by defendants.

11 VI. *And be it further enacted*, That it shall be lawful for any person to apprehend and detain any such hawker, pedler, or petty chapman, or other trading person as aforesaid, who shall be found trading without licence, contrary to the true intent and meaning of this act, and him or her so apprehended to carry before any justice of the peace of the county or town where such offender shall be, which justice is hereby authorized and directed, either upon the confession of the party offending, or due proof of one or more credible witnesses or witnesses upon oath, that the person so brought before him had so traded as aforesaid, and if no such licence shall be produced by such offender, such justice shall, for every such offence, by warrant under his hand and seal, directed to any constable of the town wherein such conviction shall be had, cause the sum of twenty-five dollars, with costs, to be forthwith levied by distress and sale, at public vendue, of the offender's goods, wares and merchandizes, which costs, not exceeding five dollars, shall be ascertained and allowed by such justice.

And in order to prevent any unnecessary trouble to any person or persons who shall suspect any such hawker, pedler, petty chapman, or other trading person, from trading without a licence,

12 VII. *Be it further enacted*, That upon refusal of producing such licence to any person demanding the same, and if it be afterwards produced to the justice before whom such offender shall be brought, such offender for such refusal shall forfeit and pay to the person demanding the same, the sum of five dollars, to be levied and collected, with costs, in manner aforesaid:

13 *Provided always*, That all suits to be brought for any offence against this act shall be brought within sixty days after the offence shall be committed.

VIII. *And be it further enacted*, That in all cases of prosecution 14 for any of the offences herein before mentioned, and wherein the defendant shall refuse to shew his licence or to make known his name to such person as will prosecute, previous to the commencement of such action, the plaintiff shall not be liable to pay to such defendant any costs for the misnaming of such defendant; nor shall the said plaintiff, constable, nor the justice before whom any such offender as aforesaid shall have been tried, be liable to any action for falsely imprisoning such defendant as aforesaid.

IX. *And be it further enacted*, That the act, entitled "An 15 act to restrain hawkers and pedlers," passed the fourth day of April, one thousand seven hundred and eighty-five, be and the same is hereby repealed.

Physic.

C H A P. C.

An ACT to enable William Firby to practice Physic and Surgery.

Passed April 9th, 1804.

WHEREAS a number of respectable inhabitants of Brookhaven, and other towns in Suffolk county, have prayed that William Firby, of Brookhaven aforesaid, be authorized to practice physic any surgery, he having performed a number of extraordinary cures in the said county, principally of the scorbutic kind, but by his situation is not able to comply with the regulations necessary to obtain a certificate as the law directs: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the first judge of the county of Suffolk, in case it shall appear to his satisfaction, by three reputable physicians practising in the said county, that the said William Firby is capable and qualified to practise physic and surgery, or either of them, to give him a certificate thereof, which certificate being filed in the office of the clerk of the county of Suffolk, shall authorize the said William Firby to practise physic or surgery, or both, as the case may be, in this state, any law to the contrary notwithstanding.

Gaugers.

C H A P. CI.

An ACT for the Appointment of Gaugers.

Passed April 9th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the person administering the government of this state, by and

with the advice and consent of the council of appointment, to appoint one or more gaugers in such of the counties of this state, as in their opinion they shall from time to time deem necessary ; and it shall be the duty of the said gaugers, upon application made to them or either of them, to gauge all casks containing molasses, and all casks containing any spiritous liquor distilled in the county in which they reside, and to mark the number of gallons contained in each cask, and the name of the county where the same has been distilled, together with his name on one of the heads of each cask so gauged, and for which services the said gaugers shall be paid six cents for every cask so by him gauged and marked.

II. *And be it further enacted*, That the said gaugers appointed as aforesaid, shall, before they or either of them enter upon the duties of his or their office, respectively take and subscribe an oath before one of the justices of the peace of the county where he shall reside, well and faithfully to perform the duties required of him by this act without favor or partiality, and deposit the same in the office of the clerk of the county in which he resides.

Timber.

C H A P. CIII.

C O N T E N T S .

10. Drift Wood, excepted from the penalties of this act.
3. Offences against this act, persons guilty of, subject to prosecution.
1. Penalty, for stopping timber, &c. in Hudson's river.
4. ----- For altering or defacing marks.
- 2, 5. ---- How recovered and applied.
6. Timber or Rafts, floated on shore, may be taken away, on payment of damage...7. Disagreement respecting, how settled.
8. ----- Lodging on shore, owners of land to give notice thereof.
9. ----- May be sold, if not claimed within six months.

An ACT to prevent the Stopping and Embezzling of Timber floating on the Hudson River.

Passed April 9th, 1804.

WHEREAS great loss is sustained by those engaged in the rafting business, by evil disposed persons, in stopping, taking up and destroying timber afloat in rafts and otherwise : For remedy whereof,

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the twentieth day of April instant, if any person or persons shall stop, take up, draw to or lodge on the shore of Hudson's river, any timber, either round, hewed, sawed or riven, without the previous consent of the owner or owners thereof, every person-offending in the premises shall, for every such offence, forfeit and pay the
- 2 sum of ten dollars, to be recovered in any court having cognizance thereof, by any person who shall prosecute for the same ; the one half of which penalty, when recovered, to be paid

to the overseers of the poor of the city or town where such recovery shall be had, for the use of the poor thereof, and the other half to the person suing or prosecuting for the same to effect; and all persons so offending shall also be liable to prosecution by the owner of such timber for his or her damages. 3

II. *And be it further enacted,* That if any person or persons shall cut out, deface or alter any mark, or put a false mark on any such timber, either afloat in said river or lying on the bank or shore, or on any land where any such timber may have drifted, or shall convert any such timber to his, her or their own use, not being the owner thereof, every such person or persons is hereby declared guilty of a misdemeanor, and on conviction thereof before any court having cognizance of the same, shall pay a fine not exceeding twenty-five dollars, to be paid to the treasurer of the county where the offence was committed, and applied towards defraying the contingent charges of such county, and all persons so offending shall also be liable to prosecution by the owner of such timber for his or her damages. 5

III. *And be it further enacted,* That it shall and may be lawful for the owner or owners of any timber or raft by him or them found on the bank or shore of the said river, or any streams or land adjoining thereto, wherever the same may have been drifted or carried, to take the same away, paying to the owner or possessor of the land on which the same may be found, the amount of damages he, she or they may have sustained by such timber, and the removal of the same; but if the parties cannot agree in the amount of such damages, it shall be lawful for either party to apply to any two of the nearest fence viewers in the county where such timber may be found, and not interested therein, whose duty it shall be to determine the same at the expense of the owner of such timber, whose decision thereon shall be conclusive. 7

IV. *And be it further enacted,* That when any timber in rafts or otherwise, shall be lodged on the bank or shore on either side of Hudson's river, or on any island therein, and if the owner or owners thereof shall not, within three months from and after the time such timber shall have been so lodged, take the same away, then it shall be the duty of such owner or possessor of the land on which such timber or raft shall be so lodged, and he, she or they are hereby required, by a writing under his, her or their hand, to describe such timber or raft, the quantity and mark or marks thereof as near as may be, and lodge the same with the clerk of the city or town where the timber or raft may be so lodged, which writing shall be filed in the office of such clerk for the inspection of any person who may wish to see the same: *Provided nevertheless,* That nothing in this act contained shall be construed to make the owner of the land on which such timber or raft shall be drifted, liable for the value thereof, unless the same shall afterwards be converted or taken by his connivance. 8

V. *And be it further enacted,* That if no person shall, within six months after such writing shall have been so filed, claim such 9

timber or raft, then and in such case it shall be the duty of the owner or possessor, of the land whereon such timber or raft shall be so lodged, to inform the clerk of such city or town thereof in writing from under his, her or their hand, and such clerk shall cause such raft or timber to be sold at public vendue, to the highest bidder, after giving notice of the time and place of such sale, by writing under his hand, to be set up in three or more of the most public places in such city or town, not less than twenty-one days previous to such sale, and one half of the neat proceeds of such timber or rafts shall be placed in the treasury of such county, to be appropriated in discharging the contingent charges of such county, and the residue thereof to the owner or possessor of the land on which the said timber or raft shall be lodged as aforesaid: *Provided however*, That none of the penalties of this act shall or may apply to any person for taking up or stopping and making use of all or any such wood as is commonly called drift wood, any thing in this act contained to the contrary notwithstanding.

VI. *And be it further enacted*, That this act shall be and remain in force for two years from the first day of May next, and no longer.

Supply Bill.

C H A P. CIX.

C O N T E N T S .

26. Aliens, privileges of a certain act extended to.
27. Atkinson, John, treas. to refund him certain sums paid for taxes.
14. Bancker, Anna, and others, treasurer to pay a certain sum to.
24. Beckman, Peter D. his compensation as assistant clerk of senate.
13. Chancellor and judges of sup. court, additional compensation to.
2. Chaplains to the legislature, their compensation.
7. Clerk of assembly, allowance for making index to journal of house.
9. ----- Of senate, allowance for making index to journal of senate.
11. Committee to examine treasurer's accounts, their compensation.
16. Comptroller, treasurer directed to pay him a certain sum.
18. ----- Authorized to repair the public building.
21. Commissary of military stores, to sell certain fortifications.
25. Cooper, Charles D. his compensation as health-officer.
8. Council of Appointment, their compensation.
30. Escheats, attor. gen. may direct writ of enquiry to sheriffs in case of.
31. ----- In case of, fees for witnesses, and subpoenaing, how paid.
3. Governor, sum allowed him for incidental expenses.
10. ----- His house rent to be paid.
12. ----- His private secretary, additional compensation to.
23. Hewitt, Lodowick and Sherman, treas. to pay a certain sum to.
35. Indians, Tuscarora and Seneca, time for erecting certain buildings for them, extended.
5. Legislature, members and attendant officers, their compensation.
6. Messenger and Door Keeper of the council of revision and of appointment, their compensation.
28. Supervisors of Orange and Rockland, their duty as to attending meetings of loan-officers.

- 4, 32. Printer to the state, his compensation for printing.
33. ----- How to distribute communications of the agricul. society.
38. Recorders of certain cities, proviso relative to their fees repealed.
36. Salina, \$1500 allowed for improving the wharf at, &c.
37. ----- Commissioners appointed for laying out said money.
19. Secretary, treasurer to pay expense of making cases for his office.
29. ----- Treasurer to pay him the amount of certain expenses.
17. Smith & Boardman, treasurer directed to pay them a certain sum.
15. State Prison, treasurer directed to pay inspectors certain sums.
20. ----- Compensation to the officer commanding the guard.
1. Surveyor General, his salary.
22. ----- Time for payment of a certain loan made to him, extended.
34. ----- Treasurer to pay him a sum of money to enable him to perform a certain survey.

An ACT for the Payment of certain Officers of Government and for other Purposes.

Passed April 10th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall, on the warrant of the comptroller, on or before the first day of July next, pay to Simeon De Witt, surveyor general of this state, the sum of twelve hundred and fifty dollars, for his services in his said office from the first day of July last, to the first day of July next. 1

II. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to such of the clergy as shall have attended the legislature as chaplains, during the present session, the sum of two dollars and fifty cents, for every day they have so attended, which sum shall be certified by the president of the senate, or the speaker of the assembly. 2

III. *And be it further enacted,* That it shall be lawful for the treasurer, on the warrant of the comptroller, to pay to the person administering the government of this state, to defray the incidental expenses which may arise in and about administering the government of this state, such sum or sums of money as he shall require, not exceeding the sum of seven hundred and fifty dollars. 3

IV. *And be it further enacted,* That the treasurer be and he is hereby required to pay to John Barber, printer to this state, such sum or sums of money as shall be certified by the comptroller to be due to him, for printing the laws and journals of the present session of the legislature, at and after the rate of ten dollars per sheet, of every sheet of six hundred copies; and also, for extra printing, at the rate of four dollars for every sheet of one hundred and fifty copies; and that these prices for printing per sheet, for the like number of copies, be paid for the laws, and the journals, and bills of the two houses, until the legislature shall otherwise direct. 4

V. *And be it further enacted,* That the treasurer shall on the warrant of the comptroller, pay to the president of the senate, the speaker of the assembly, and the members and attendant officers of the senate and assembly, the like sums respectively for 5

each day's attendance and travelling, at the present session, that were allowed to them respectively the last session, together with the additional sum of two dollars and fifty cents per day to the clerk of the assembly, for an assistant clerk, for and during the present session.

- 6 VI. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to the messenger and door-keeper of the council of revision and council of appointment, the like compensation per day, as is allowed to the door-keeper of the senate and assembly.
- 7 VII. *And be it further enacted*, That the treasurer, shall on the warrant of the comptroller, pay to the clerk of the assembly the sum of thirty dollars, for making an index to the journal of the assembly of the present session.
- 8 VIII. *And be it further enacted*, That the members of the council of appointment shall, for their attendance during the recess of the legislature, be entitled to receive the same allowance per day, and for travelling, as is allowed to the members of the legislature.
- 9 IX. *And be it further enacted*, That the treasurer shall on the warrant of the comptroller, pay to the clerk of the senate the sum of twenty dollars, for making an index to the journal of the senate of the present session of the legislature.
- 10 X. *And be it further enacted*, That the treasurer shall pay on the warrant of the comptroller, the amount of the rent stipulated to be paid for the house occupied by his excellency the governor, for the current year and the taxes.
- 11 XI. *And be it further enacted*, That the committee to examine the accounts of the treasurer, be severally allowed at and after the rate of three dollars per day, for every day they shall be employed in the business.
- 12 XII. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to the private secretary of the person administering the government of this state, the like additional sum for his services from the first day of July last, to the first day of July next, as was allowed to him the preceding year.
- 13 XIII. *And be it further enacted*, That from the first day of July last, to the first day of July next, there shall be allowed to the several officers of government, in addition to the annual salaries now allowed to them and each of them respectively, in and by the act, entitled "An act for the support of government," passed April the seventh, one thousand eight hundred and one, the following sums: To the chancellor, the sum of five hundred dollars; to the chief justice, the sum of five hundred dollars, and to each of the other justices of the supreme court the sum of six hundred and twenty-five dollars.
- 14 XIV. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to Anna Bancker the sum of five hundred and sixty dollars, and to Henry Eckford and Lester Beebe the sum of one hundred and twenty-six dollars, in compensation for two years rent due to them for ground in

the city of New-York, on which fortifications were erected by the committee for fortifying the harbor of New-York, on the sixth day of August, in the year one thousand seven hundred and ninety-eight.

XV. *And be it further enacted*, That the treasurer of this state 15 shall, on the warrant of the comptroller, pay to the inspectors of the state-prison the sum of four thousand dollars, for the use of the institution, and a further sum of two hundred and fourteen dollars and forty-five cents, being the amount certified by the comptroller to have been expended by the said inspectors in the year one thousand eight hundred and one, over and above the appropriations of that year.

XVI. *And be it further enacted*, That the treasurer shall pay 16 Eliha Jenkins, comptroller, the sum of fifty-six dollars and eleven cents, in full for the postage of letters relating to the office of comptroller, to the thirty-first day of March, one thousand eight hundred and four, and the sum of eleven dollars for repairing the seal-presses of the comptroller's office.

XVII. *And be it further enacted*, That the treasurer pay to 17 Smith and Boardman, the sum of five dollars for painting tin covering on the roof of the secretary's office.

XVIII. *And be it further enacted*, That the comptroller be and 18 he is hereby authorized from time to time to cause such repairs to be made to the public building in the city of Albany, as shall be deemed necessary for its preservation, and to draw his warrant on the treasurer for such sums as shall be necessary to defray the expense thereof: *Provided*, the same shall not in any one year exceed one hundred dollars.

XIX. *And be it further enacted*, That the treasurer be and he is 19 hereby directed, on the warrant of the comptroller, to pay the amount of the expense of making such cases as the secretary shall procure for the use of his office, in pursuance of the concurrent resolution of the senate and assembly of the present session of the legislature: *Provided*, such expense shall not exceed in amount the sum of two hundred and fifty dollars.

XX. *And be it further enacted*, That from and after the passing 20 of this act, the officer commanding the state-prison guard, shall be entitled for his services, to forty-eight dollars per month, instead of the compensation now allowed him in and by the act, entitled "An act relative to the state-prison," passed the third day of April, one thousand eight hundred and one.

XXI. *And be it further enacted*, That it shall be the duty of the 21 commissary of military stores, forthwith to sell and dispose, at the best price which can be had, for the fortifications now remaining on the lots of Anna Bancker and Henry Eckford and Lester Beebe, so that the same be removed by the first day of June next.

XXII. *And be it further enacted*, That the loan of three thou- 22 sand dollars to Simeon De Witt, to enable him to complete the map of this state, be and the same is continued to him without interest, until the first day of April, in the year of our Lord one thousand eight hundred and six.

XXIII. *And be it further enacted*, That the treasurer on the 23

warrant of the comptroller, pay unto Lodowick and Sherman Hewitt, the sum of twenty dollars and ninety-three cents, certified by the comptroller to be due to them on settlement of their mortgage of land in Brothertown.

- 24 XXIV. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, shall pay to Peter Douw Beckman, assistant clerk of the senate, the same compensation as was made to Henry I. Bleeker when assistant clerk, to be computed from the third of April instant, to the end of the present session.
- 25 XXV. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to Charles D. Cooper, as health officer of the city of Albany, the sum of two hundred and five dollars, for services performed by him in that office during the last season.
- 26 XXVI. *And be it further enacted*, That all the provisions in favor of aliens contained in the act, entitled "An act to enable aliens to purchase and hold real estates within this state, under certain restrictions therein mentioned," passed the twenty-sixth day of March, one thousand eight hundred and two, shall be and hereby are extended to all aliens who shall have come to this state and become inhabitants thereof at the time of passing this act.
- 27 Whereas it appears by the report of the comptroller, that John Atkinson has paid fifty-five dollars and sixteen cents for taxes assessed on lands in the town of Owego, in the county of Tioga, of which he was not the owner : Therefore,
XXVII. *Be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the said John Atkinson, or his assigns, the said sum of fifty-five dollars and sixteen cents, and that the said tax shall remain a lien on the said land in the same manner as other unpaid taxes are : And further, that the said treasurer shall also pay to the said John Atkinson, or his assigns, on the warrant of the comptroller, the further sum of eight dollars and eighty-five cents, for taxes assessed on lots number thirty and seventy-seven, in the township of Dryden, in the county of Cayuga, which appears to have been twice paid by him.
- 28 XXVIII. *And be it further enacted*, That instead of a majority of the supervisors of the counties of Orange and Rockland, as now required by law, to meet with the judges and loan-officers at the house of Stephen Sloat, in the Clove, on the second Tuesday in October in every year, for the purpose of inspecting and examining the mortgages, minutes and accounts of the said loan-officers ; that it shall in future be lawful for one or more of them to be appointed by the boards of supervisors respectively from each of the said counties, to meet annually at the time and place, for the purposes aforesaid, any law to the contrary notwithstanding.
- 29 XXIX. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to Thomas Tillotson, secretary of this state, fifty-two dollars and twenty-five cents,

being so much paid by him for procuring two copies of the book containing the return of the persons entitled to military bounty lands, for the use of the legislature.

XXX. *And be it further enacted*, That whenever the attorney general shall cause a writ of enquiry to be issued out of the court of chancery in case of an escheat, every such writ may, at the discretion of the said attorney general, be directed to the sheriff of any county in this state, any former law to the contrary thereof notwithstanding.

XXXI. *And be it further enacted*, That the accounts of persons serving subpoenas, and the attendance of witnesses on behalf of the people of this state, at the execution of any writ of escheat, shall be audited by the court of exchequer, and paid by the treasurer, on the warrant of the comptroller.

XXXII. *And be it further enacted*, That whenever the printer to this state shall have printed, pursuant to concurrent resolutions of the senate and assembly of the fourth of April, one thousand eight hundred and three, seven hundred copies of an additional number of the communications made to the society for the promotion of agriculture, arts and manufactures, and to the society for the promotion of useful arts, it shall be lawful for the comptroller to draw his warrant on the treasurer for such sum as shall be due to the said printer for the same; and it shall be the duty of the said printer to deliver one copy of said publication to each of the present members of the legislature, and the remainder to the said society for the promotion of useful arts.

XXXIII. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay unto the surveyor general a sum not exceeding two hundred dollars, to enable him to lay out into streets and house lots for a village, the lands of the people of this state at Black Rock, on the Niagara river, and making a map of the same, to be returned to the legislature at their next meeting.

Whereas the time limited in and by the act, entitled "An act providing for the erecting certain buildings for the Tuscorora and Seneca tribes of Indians," for erecting the said buildings has expired: Therefore,

XXXIV. *Be it further enacted*, That the time described by the said act be extended two years from the passing of this act, and that John Tayler be and he is hereby appointed a commissioner for the purposes mentioned in the said act, in the place of Dirck Ten Broeck, who has removed to the city of New-York.

XXXV. *And be it further enacted*, That the sum of fifteen hundred dollars be paid out of the monies arising from the salt springs, and the same is hereby appropriated for the purpose of enlarging and repairing the wharf at Salina; for repairing and improving the road from Salina along the northeast shore of the lake; for draining stagnant waters near the salt springs, and for clearing the rivers adjacent from logs and other obstructions.

XXXVI. *And be it further enacted*, That William I. Vredenburg and Jasper Hopper be and they are hereby appointed

commissioners for the expenditure of the said monies, who shall give bonds to the comptroller in double of the aforesaid sum, for the faithful performance of the duties required of them by this act; and their accounts of the expenditure of the said monies for the purposes aforesaid, shall be audited by the comptroller.

- 38 XXXVII. *And be it further enacted*, That the proviso in the last section of the act, entitled "An act for the payment of certain officers of government, and for other purposes," passed the fifth day of April, one thousand eight hundred and two, shall be and hereby is repealed.

State-Prison.

C H A P. LXXXIX.

An ACT to regulate Labour done in the State-Prison.

Passed April 9th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the first day of May next it shall not be lawful for any greater proportion of the convicts who shall thereafter be committed to the state-prison, than the proportion of one eighth part, to be employed at the business of shoemaking: *Provided always*, That when any person shall be committed to said prison, who hath before such commitment learned said trade, he may be employed thereat, and shall not be estimated by the inspectors in fixing the proportion hereby directed: *And provided further*, That nothing herein shall be so construed as to prevent the inspectors from employing such and so many female convicts as to them from time to time shall seem proper, at the business of shoe binding or lining.

II. *And be it further enacted*, That this act shall be and continue in force for the space of four years and no longer.

Records.

C H A P. CXV.

An ACT to direct the Transcribing the Journals and Records therein mentioned.

Passed April 11th, 1804.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the person administering the government of this state, and he is hereby directed, as soon as may be after the passing of this act, to cause to be transcribed in proper books to be provided for that purpose, the journals and records, of the provincial congress, of the committee of public safety, and of the convention which formed the constitution of this state, which journals and records, when so transcribed, shall be deposited in the office of the secretary of this state, as part of the public records thereof.

II. *And be it further enacted*, That the comptroller shall draw his warrant on the treasurer for the amount of the expense attending the same, whenever such transcripts shall be completed, and the expense thereof ascertained, and certified by the person administering the government of this State.

Relief.

C H A P. VI.

An ACT for the Relief of the Claimants under John Brown of the State of Rhode-Island deceased, to the Lands therein mentioned.

Passed February 28th, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the estate, right or title of the heirs and devisees of John Brown, late of Providence in the state of Rhode-Island, merchant, deceased, of, in and to all that tract and parcel of land, which by conveyance bearing date the twenty-ninth day of December, in the year of our Lord one thousand seven hundred and ninety-eight, were conveyed by Philip Livingston of the city of New-York, esquire, and Cornelia his wife, and Thomas Cooper a master in chancery for this state, to the said John Brown, pursuant to a decree of the court of chancery of this state, shall not be questioned, impeached, defeated, avoided or in any manner affected by reason or pretext of the alienism of any person to whom the said lands may have been conveyed, by any conveyance prior to the said conveyance above mentioned to the said John Brown.

C H A P. XXX.

CONTENTS.

1. Denny, John, land-office directed to grant certain lands to trustees named, for his and family's use---their duty.
2. Unappropriated Lands, &c. a certain proviso in the act relative to, repealed.

An ACT to amend an Act, entitled "An Act for the Relief of John Pope and others, and for other Purposes."

Passed March 24th, 1804.

WHEREAS in and by an act, entitled "An act for the relief of John Pope and others," the commissioners of the land-office were directed to grant letters patent to John Denny for two hundred acres of land: *And whereas*, the said John Denny did never make any application to the commissioners of the land-office for the letters patent, by reason whereof no estate in the said two hundred acres of land ever vested in the said John Denny: *And whereas*, the said John Denny has prayed, that the letters patent for the said two hundred acres of land, may be granted to some person or persons in trust to sell and dispose of the same, and the money arising therefrom to apply to

the support and maintenance of the said John Denny and his family. Therefore,

- 1 I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful to and for the commissioners of the land-office, and they are hereby directed to grant letters patent for the said two hundred acres of land, in the tract set apart for the use of the line of the army of this state, to Joseph C. Yates and Peter R. Ludlow, and their heirs and assigns for ever, in trust, nevertheless, to sell and dispose of, and convey all the said two hundred acres of land, so to be granted to them as aforesaid, to the best purchaser or purchasers that can be found for the same, at private or public sale, and faithfully to apply the money arising or to arise by and from such sale, to the support and maintenance of the said John Denny and his family; and in case of the death of the said John Denny, and there should be remaining in the hands of the said trustees, or either of them, the whole or any part of the money arising from the sale of the two hundred acres of land as aforesaid, such money so remaining shall be faithfully applied to the maintenance of the widow, and education and support of the children of the said John Denny.

II. *And be it further enacted,* That the said trustees, or the survivor of them, shall be subject to such orders and directions for the more effectually putting this act in execution as shall from time to time be made and given by the court of chancery of this state.

III. *And be it further enacted,* That it shall and may be lawful to and for the said trustees by this act named, or the survivor of them, out of the monies which shall come to his or their hands by virtue of this act, in the first place to pay, retain and discharge all such charges and expenses as they or either of them shall be put unto or in any wise sustain in the execution of the trusts herein declared, and contained; and also to retain after and at the rate of five per centum on the amount of the said purchase money, for his and their commissions and trouble, in and about the execution of the said trusts; and that neither of the said trustees, nor the executors or administrators of either of them, shall be answerable or accountable for any sum or sums of money whatsoever, but such as he shall actually receive, and not one of them for the receipts, acts or defaults of the other, but each of them for his own acts, receipts or wilful defaults, and not otherwise.

- 2 IV. *And be it further enacted,* That the proviso in the tenth section of an act, entitled "An act relative to the unappropriated lands of this state, to prevent intrusions, and for other purposes," passed the fifth day of April, one thousand eight hundred and two, be and the same is hereby repealed.

C H A P. XXXV.

An ACT for the Relief of Thomas Tillotson.

Passed March 27th, 1804.

- I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, That the further time o

five years be allowed to Thomas Tillotson for the payment of the balance of seven thousand five hundred dollars due on a loan heretofore made by the people of this state to James Grier, for which the said Thomas Tillotson and John Armstrong are bound, on his, the said Thomas Tillotson, executing and acknowledging and procuring to be recorded in due form of law, a mortgage to the people of this state, on unincumbered real estate within this state, of double the value of the said balance, to the satisfaction of the comptroller and attorney general, with a covenant in the said mortgage contained for the payment of interest on the said balance, at the rate of six per centum per annum, on or before the thirtieth day of May in each year : *Provided*, That the said mortgage shall be perfected and delivered to the comptroller by the said Thomas Tillotson on or before the first day of June next.

II. *And be it further enacted*, That upon the said Thomas Tillotson conforming to the foregoing provisions, it shall be lawful for the comptroller to deliver up the original bond and mortgage for the money loaned to the said James Grier, to be cancelled.

C H A P. XXXVI.

An ACT to amend the Act, entitled "An Act for the Relief of Solomon Townsend."

Passed March 31st, 1804.

WHEREAS the commissioners of the land-office were authorized to grant letters patent to Solomon Townsend for a tract of land not exceeding five thousand acres, in the counties of Orange and Rockland ; but on account of some late grants, the said five thousand acres cannot be laid out in one tract as by said act is intended ; and it appearing to the legislature that the same has been laid out and appraised in conformity to the directions of said act, in three separate tracts : Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land-office to grant letters patent to the said Solomon Townsend, his heirs and assigns, for the said five thousand acres of land in three different tracts, as the same have been surveyed, for the same consideration as is directed in and by the act aforesaid, any thing in the said act hereby amended to the contrary thereof notwithstanding.

C H A P. XLII.

An ACT for the Relief of John Henry and Lydia his Wife.

Passed April 3d, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the right and title of the real estate of which Abraham Nielson, late of the city of New-York, deceased, died seised and possessed, shall be and hereby is vested in and shall belong to, and be enjoyed by his sister Lydia Henry, and her heirs, in like manner as if the said Lydia had been a citizen of the said state, at the time of the death of her said brother.

C H A P. LVII.

C O N T E N T S .

- 1, 2. Chancellor authorized to appoint trustees to sell real estate of the late James Board and Caleb D. Ferris.
6. ----- May direct how monies shall be made payable.
7. ----- His duty, in case of the death of any of the trustees.
8. Trustees, their duty in relation to sales and application of monies.
4. ----- To give bonds for the faithful performance of their duties.
5. Widows of Board and Ferris, to release their right of dower.

An ACT for the Relief of the Representatives of James Board and Caleb D. Ferris.

Passed April 4th, 1804.

- 1 **I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly,** That it shall be lawful for the chancellor of this state to appoint two or more trustees, with full power and authority to grant, bargain, sell and convey from time to time, so much of the real estate whereof James Board late of the town of Bloomingrove in the county of Orange deceased, died seised :
- 2 And likewise to appoint other commissioners to sell and convey in like manner, so much of the real estate whereof Caleb D. Ferris, late of the town of Kortright, in the county of Delaware, deceased, died seised, for the best price which can be had for the same, as the said chancellor shall deem necessary for the maintenance and education of the widows and infant children of the said James Board and Caleb
- 2 D. Ferris respectively, and to apply the monies arising from such sales for the purposes aforesaid, in such manner as the chancellor shall from time to time order and direct : *Provided always,* That if the said chancellor should deem it most beneficial for the said widows and infant children of the said James Board and Caleb D. Ferris, it shall be lawful for him to order and direct the whole of the said real estate to be disposed of at once by the said trustees, under the restrictions and regulations prescribed by this act.
- 4 **II. And be it further enacted,** That the said trustees before they enter on the execution of the said trust, shall give bond to the said widows and infant children of the said James Board and Caleb D. Ferris, in such form, and with such sureties, and in such penalty as the chancellor shall direct for the faithful execution of the said trusts, and to render a just and true account thereof, and to apply and dispose of the monies coming into their hands according to the order and directions of the chancellor, which bond shall be filed in the office of the assistant register of the court of chancery for the use of the said widow and infant children.
- 5 **III. And be it further enacted,** That the said widows of James Board and Caleb D. Ferris, before either of them shall be entitled to receive any part of the proceeds of the sales, to be made as aforesaid by the said trustees, shall respectively execute to the purchaser or purchasers, their heirs and assigns, a release of her right of dower in and to the real estate so sold as aforesaid.
- 6 **IV. And be it further enacted,** That in case the chancellor shall deem it most beneficial for the said widows and infant children, that the purchase money for the lands to be sold as aforesaid, should be payable by instalments, it shall be lawful for him to direct and authorize the said trustees to take such security for the said purchase money, and to make it payable by such instalments as he shall deem just and reasonable.

V. *And be it further enacted*, That in case the trustees to be appointed as aforesaid, shall die before the execution of the said trusts shall be completed, it shall be lawful for the chancellor to appoint other trustees in their stead who shall in all respects conform to the directions of this act.

C H A P. LXIX.

An ACT for the Relief of Nathan Sage and Peter Colt.

Passed April 7, 1804.

I. **BE** it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer of this state shall, on the warrant of the comptroller, pay unto Nathan Sage and Peter Colt, or their order, the sum of seven hundred and three dollars and seventy-four cents, certified by the comptroller to be due to them on the 11th of February, 1803, as commissioners for opening and improving certain roads mentioned in the act, entitled "An act relative to the unappropriated lands of this state, to prevent intrusions and for other purposes," passed April 5th, 1802, together with one year's interest on the said sum, for monies taken on loan by them, for the payment of their contracts for opening and repairing the said roads,

II. *And be it further enacted*, That the excess of taxes mentioned and appropriated by the said act, for the payment of the said sum of seven hundred and three dollars and seventy-four cents, with the interest due or to accrue thereon, when paid into the treasury, shall be retained for the use of the people of this state.

C H A P. LXXXII.

An ACT for the Relief of Thomas Douglass.

Passed April 9, 1804.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That a conveyance made by Henrietta Maria Colden, to Thomas Douglass, dated the twentieth day of May, in the year one thousand eight hundred, for all that certain tract of land lying and being in the county of Herkimer and state of New-York, beginning at a white pine tree standing on the east bank of Lake Ontario, marked W C M 1796, and running thence along a line of marked trees south, sixty degrees east, two hundred and forty chains to a beach tree marked W C M 1796; thence south along a line of marked trees, two hundred and thirty-two chains, to Scriba's north line; thence north, sixty-nine degrees west, along the said line to the north of great Salmon river, where it enters into lake Ontario; thence northerly, along the lake to the place of beginning; containing four thousand three hundred and forty-eight acres of land more or less, shall in all things be as good and effectual in the law, and have the like operation as if the same had been recorded pursuant to the second section of the act, entitled "An act to enable aliens to purchase and hold real estates within this state," under certain restrictions therein mentioned.

C H A P. CII.

An ACT for the Relief of the Heirs and Representatives of William Wood and others.

Passed April 9, 1804.

I. **BE** it enacted by the People of the State of New-York, represented in Senate and Assembly, That the estate heretofore

intended to be granted to William Wood, by letters patent bearing date the twenty-second day of February, in the year one thousand seven hundred and ninety-two, do vest, and the same is hereby declared to be vested, in the heirs and legal representatives of the said William Wood, in the same manner as if the said patent had issued in the life time of the William Wood.

And whereas Gilbert Bogart inlisted as a soldier in the late war between the United States and Great-Britain, in one of the companies in colonel Van Schaick's regiment, in the line of this state, in the army of the United States; and served therein until the fourth day of June, one thousand seven hundred and seventy-nine, when he was taken prisoner by the Indians: *And whereas* the said Gilbert Bogart married about the close of the war, and had two children by his wife, to wit, Catharine and Elizabeth, since which the said Gilbert Bogart, his wife and daughter Elizabeth have died, and the said Catharine being the only survivor who is married to Zacharias Flageler: Therefore,

II. *Be it further enacted*, That it shall be lawful for the commissioners of the land office, and they are hereby required to grant letters patent to Catharine the wife of Zacharias Flageler, and to her heirs and assigns, for two hundred acres of land, in the tract set apart for the use of the line of this state, in the army of the United States.

III. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to the legal representatives of Samuel Shirts, and to their heirs and assigns for ever, two hundred acres of any of the unappropriated lands set apart for the use of the line of this state, for the services of the said Samuel Shirts, as a private soldier in the regiment commanded by colonel Van Schaick, in the line of this state, in the army of the United States.

C H A P. CV.

An ACT for the Relief of John M'Lean.

Passed April 10th, 1804.

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to John M'Lean, late a serjeant in captain Andrew Moody's company, in the regiment of artillery commanded by colonel John Lamb, and his heirs and assigns for ever, for the same quantity of land in the tract set apart for the use of the line of this state serving in the army of the United States, as has been granted to the private soldiers in said line, as a gratuity for his services in the revolutionary war: *Provided always*, That previous to the issuing of the letters patent the grantee shall pay into the treasury of this state, the fees for surveying the land contained in such letters patent, and produce to the said commissioners a receipt thereof: *And provided also*, That the said commissioners of the land-office shall not issue the said letters patent until satisfactory evidence is produced to them that the said John M'Lean is not the same John M'Lean described as a matross in the said regiment, and to whom letters patent for five hundred acres of land hath heretofore been granted by the commissioners of the land-office.

C H A P. CXIV.

An ACT for the Relief of Thomas Hughes and others.

Passed April 11th, 1804.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant to Thomas Hughes, late a soldier during the revolutionary war, in captain Cap's company, in colonel Van Schaick's regiment, in the line of the army of the United States, and his heirs and assigns forever, by letters patent, two hundred acres of land in the western district, in a tract set apart for the use of the line of this state, serving in the army of the United States.

II. *And be it further enacted,* That all the right, title and interest of the people of this state, in and to lot number seventy-seven, in the town of Camillus, is hereby granted and confirmed to Sarah Evans, of the county of Tioga, and her heirs and assigns.

III. *And be it further enacted,* That the patent dated the eleventh day of July, one thousand eight hundred, granted by the commissioners of the land-office to Simon Calkins, as one of the Vermont sufferers, shall to all intents and purposes be as valid to the said sufferer, as if said patent had been granted to Simeon Calkins, any law to the contrary notwithstanding.

Pardon.

C H A P. V.

An ACT to pardon William Conklin, convicted of Murder.

Passed February 13th, 1804.

WHEREAS William Conklin, at a court of oyer and terminer and gaol delivery, held at Poughkeepsie, in and for the county of Dutchess, in the month of June, in the year of our Lord one thousand eight hundred and three, was convicted of the murder of one Thomas Simonton, and sentenced to be executed on the fourteenth day of July last. And whereas it appears to the legislature by the message of his excellency the governor, that the execution of the said William Conklin hath been respite until the last Friday in February instant: And whereas it also appears to the legislature, by the representation of Chief Justice Lewis who presided at said court, as well as by the petition of the jury who convicted the said William Conklin, as by the petition of a large number of respectable citizens of the said county of Dutchess who were acquainted with the said William Conklin, accompanying the said message, that the said William Conklin is a fit object of mercy: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said William Conklin be, and hereby is, fully and absolutely pardoned and discharged from the felony and conviction aforesaid, and all execution and forfeiture thereon.

I N D E X.

[In the following INDEX the reference is generally to the Page containing the *Contents* of the Law---from which the *reference-figure* will be immediately seen directing to the precise line.]

ACADEMIES, incorporated, Trustees of may elect a president, 43 ALBANY CITY,

Acts concerning, 23, 236
Monies to be raised in by tax to support night watch, &c. 175, 425
Do. towards erecting state house, 481
Court house authorized to be sold, ib.
State house, commissioners appointed to build, ib.
Female society incorporated, 602
Friendly Union society, 602
Water-works company incorporated, 67---Charter amended, 316
ALBANY COUNTY,
May term of its courts altered, 248
Cir. court, times of holding altered 434
---- March term postponed to April, 245
A sum to be raised by tax to defray expense of a certain bridge 347
Do. towards erecting state house, 481

ALIENS,

Authorized to purchase and hold real estates, 46, 642

AQUEDUCTS,

Albany company incorporated, 67, 316
Catskill, 70
Coxsackie, 597
Geneva, 317
Hamilton, Chenango co. 145
Kingston, 595
Schenectady, 590
Utica, 65

ARMS & MILITARY STORES

Governor authorized to draw from the treasury a certain sum for the purchase, &c. of, 335

ASHES, POT and PEARL,

Inspection of, &c. act respecting, amended, 48

ASSEMBLY, HOUSE of,

Representation in, apportioned, 33

ATKINSON, JOHN,

Certain monies treas. to repay to, 642

ATTAINED PERSONS,

Act to facilitate the discovery and sale of the estates of, 47

ATTORNEY-GENERAL,

His duty to prosecute persons holding monies belonging to the state, 347

Certain duties enjoined on him respecting mortgages and the partition of lands, 504

His duty respecting turnpike corporations, 532

AUCTION,

Duties on East & W. goods and wines sold at, in N.Y. regulated, 474

AUCTIONEERS.

In N.York, number increased, 228



BAILEY, JOHN,

Land to be granted to, 392

BANKER, ANNA.

Treasurer to pay monies to, 85, 642

BANKS.

Farmer's, comptroller to subscribe 200 shares in the stock of, 181

----- Stock of, how transferred, 328

State, incorporated, ib.

----- Comptroller to subscribe to the stock of, 614

----- Transfer of stock how made, ib.

----- Directors of, when to execute the duties of state treasurer, ib.

Unincorporated, act to restrain, 615

BARRELS,

Part of a former act respecting, repealed, 49

BARREN-ISLAND,

Annexed to the town of Flatlands, **14**

BARTLETT, MOSES,

And Jerris Bonny, to be credited
for a surcharge of taxes, **392**

BEEBEE L. and H. ECKFORD

Treasurer to pay money to, **644**

BELF and PORK,

Acts respecting (*repealed*) **49, 342**

Inspection of, act regulating, **629**

BELLE ROBERT L. deceased,

Right of the state to his estate
relinquished to his heirs, **364**

BENSON TOWNSHIP,

Act to enable the inhabitants to
erect a bridge over W.S. creek, **511**

BETHLEHEM. Town of,

\$300 may be raised by tax in, **347**

BILLS OF CREDIT,

Certain persons directed to cancel **324**

BLEECKER JOHN and GER-
RET PEEBLES.

Authorized to build a dam across
Hudson's river, **491**

BOARD JAMES and CALEB

D. FERRIS,

Act for relief of representatives of **652**

BOYD, ROBERT, and others.

Monies directed to be paid to, **391**

BOG-MEADOWS,

In Cornwall, act for draining, **160**

In New-Windsor, act supplem. **163**

In Goshen, **382**

Near MKnight creek, **385**

In Stamford and Northeast, **493**

In Rockland, **496**

In Orange and Dutchess, **498**

BRIDGES, TOLL,

Companies incorporated for erecting

Over Mrderer's creek, **73**

Schoharie kill at Windham, **79**

Troy, **514**

Jerico, **546**

Croton river, (Turnpike Com.) **537**

At the Little falls, do. **570**

At Glen's falls, **77**

Union, over Hudson's river, **257**

Fort-Miller, **262**

Newtown, **267**

Montgomery, **274**

Hosick river, N. turnpike au-
thorized to build, **122**

Esopus creek, provision respect-
ing its being a free bridge, **113**

Flushing creek, acts supplemen-
tary, **82, 510**

BRIDGES.

W. br. North river, money ap-
propriated for building, **302, 515**

Schoharie river, money to be
raised by lottery for building, **313**

Genesee river, money to be rais-
ed by tax for building, **277**

West Stony creek, inhabitants
of Benson enabled to erect, **511**

Roeliff Janse's kill, bridges erec-
ted over, how kept in repair, **512**

BROWN, JOHN.

Act for relief of claimants under, **649**

BUNCKER, TIMOTHY,

Ferry at Athens, vested in, **487**

CALKINS, SIMEON,

Patent to him by the name of Si-
mon Calkins, declared valid, **655**

CAMPBELL, ARCHIBALD,

Heirs of, act for their relief, **395**

CANALS,

Act to aid the establishing, &c. **141**

CARPENTER, JOHN,

Act respecting certain contracts
made by, **202**

CAYUGA COUNTY,

Act for dividing, **407**

Taxes, time granted collectors of, **390**

Officers of, may confine their pri-
soners in gaol of Ontario, **356**

Ovid and Aurelius, the collection
of arrears of taxes in authorized, **620**

CHANCERY,

Act respecting, **27**

Duties and fees of certain officers, **458**

CHANCELLOR,

Authorized to complete certain
proceedings commenced by
him whilst chief justice, **181**

May appoint serjeants of the
court of chancery, **457**

Further duties, **ib.**

CHENANGO COUNTY,

Gaol of Oneida to be used as the
gaol of, **253**

Part of annexed to Oneida co. **410**

Monies to be raised for building
court house and gaol in, **411**

CHILDREN,

Act respecting the maintenance
of those born of slaves, **51**

CHURCHES,

- Baptist in N. York, style altered, [43](#)
 Dutch in Albany, annual revenue, [44](#)
 In Bloomfield incorporated, [45](#)
 For the Tuscaroras and Senecas
 to be built, [63](#), [642](#)
 Christ church in Germantown,
 authorized to dispose of lands, [388](#)
 Sanctity, in do. same authorization [616](#)
 In Greenburgh, the same, [389](#)
 First Presbyterian in Goshen,
 the same, [617](#)
 See Religious Societies.

CITIES.

See Albany—Hudson—New-York—Schenectady.

CLINTON COUNTY,

- Acts for building court house, [252](#), [463](#)
 Accounts between Essex and
 Clinton, how settled, [358](#)

COLLEGES,

- Columbia and Union, Regents
 authorized to grant lands to, [165](#)

COLONIE,

- Act vesting the inhabitants with
 corporate rights, [420](#)

COLT PETER, and N. SAGE,

- Act for their relief, [653](#)

COLUMBIA COUNTY,

- May term of its courts altered, [248](#)

COMMERCE,

- Certain act not to restrict, [609](#)

COMMISSARY OF MILITARY STORES,

- His duty in distributing d. powder [627](#)
 To sell certain fortifications, [642](#)
 His travelling expenses, how [paid](#), [335](#)

COMMITTEE,

- To examine treasurer's accounts,
 their compensation, [347](#), [642](#)

COMPTROLLER,

- His duty in respect to treasurer's
 accounts, [324](#)
 His office and duties continued, [326](#)
 To place certain monies at inter. [347](#)
 Salary encreased, [348](#)

CONGRESS,

- State divided into [17](#) districts for
 the election of representatives
 in, [32](#), [468](#)

CONKLIN, WILLIAM,

- Act pardoning, [655](#)

CONSTITUTION,

- United States, act ratifying an
 article proposed as an amendt. [466](#)

COOPER, CHARLES D.

- Compensation as health officer, [642](#)

COSTS,

- In cases of malicious defamation, [461](#)

COUNTIES, erected,

- St. Lawrence, [5](#)
 Genesee, [8](#)
 Seneca, [407](#)

COURTS,

- Supreme court, terms altered, [245](#)
 Chancery, act respecting, [27](#)
 ----- Duties and fees of officers, [458](#)
 Cir. court and sittings in N. Y. [29](#), [457](#)
 Do. in Albany, terms altered, [434](#)
 Probates and surrogates office, [30](#)
 Sessions in Orange, May term,
 revived, [60](#)

- Common pleas, in Greene, pro-
 ceedings of, confirmed, [204](#)
 And Onondaga declared valid, [463](#)

COURT HOUSES and GOALS;

- Monies to be raised in certain
 counties, for building, &c. 177 to 181
 [252](#) to [256](#), [463](#), [466](#)

COXSACKIE,

- Aqueduct company incorporated, [397](#)

D

DEER,

- Act to amend the act to prevent
 the destruction of, [341](#)

DELAWARE COUNTY,

- Feb. term of its courts altered, [435](#)

DENNY, JOHN,

- Lands to be granted to, [403](#), [649](#)

DESCENT,

- How to govern in cases of grants
 of lands to officers and sol-
 diers who died previous to
 March, 1783, [398](#)

DE SYLVA, JOSEPH,

- Lands directed to be granted to, [364](#)

DISEASES,

- Infectious and pestilential, sup-
 plementary act, to provide
 against, [469](#)
 Act to prevent bringing into the
 cities of Albany & Hudson, [471](#)

DISTRICTS,

- Eastern and Western, Senators
 to be elected in apportioned, [327](#)
 State districted for the election
 of representatives in congress,
 [32](#), [468](#)

DONALLY, TERENCE, and others,
Exclusive privilege of running Stage-waggons on a certain route, granted to, [322](#)
DOUGLAS, THOMAS,
Act for his relief, [653](#)
DOXTEDER, SARAH,
Lands directed to be granted to, [364](#)
DUELLING,
Act to prevent, [334](#)
DUTCHESS and WESTCHESTER,
Boundary line between the counties of, how to be run, [366](#)
Expense thereof, by whom to be paid, [ib.](#)

EASTERN DISTRICT,
Montgomery county annexed to, [327](#)
ECKFORD H. and L. BEBEE,
Treasurer to pay a certain sum to [644](#)
ELECTION,

Transcripts of, not required to be recorded by the secretary, [181](#)
State, districted for election of Representatives to congress, [32, 468](#)
ELMENDORF, ED. PETER,
An act authorizing a grant of land to, [397](#)

ESCHEATS,
Direction of writs of inquiry in, [642](#)
ESCHEATED LOTS,
In Onondaga and Cayuga, duty of Onondaga Commissioners and attorney-general, in relation to, [398](#)

ESSEX
And Clinton counties, accounts between, how settled, [358](#)
EVANS, SARAH,
A lot of land granted to, [655](#)
EXECUTIONS,
Duty of sheriffs in sales on, [462](#)

FARMER'S BANK,
Comptroller, to subscribe [202](#)
Share, in the Stock thereof, [181](#)
Stock, how transferred, [328](#)

FEMALE SOCIETY,
In N. York, for relief of poor widows with small children, incorporated, [156](#)
In Albany, for the like charitable purposes, [602](#)
Do. house lot to be granted to, [504](#)
FERRIS C. D. and J. BOARD,
Act for relief of representatives of [652](#)
FERRIS, WARREN,
Island to be granted to, [402](#)
FERRY,
Established across Lake Champlain, at Cumberland head, [321](#)
At Catskill and Athens, [483, 487](#)
FIRBY, WILLIAM,
Authorized to practice physic, [639](#)
FISHERY,
Act for the preservation of the fishery in certain waters, extended, [480](#)
FLAGLER, CATHARINE,
Lands to be granted to, [654](#)
FORFEITED ESTATES,
See Lands—Attainted Persons.

GAOLS—See Court Houses.

GAUGERS,
Act for the appointment of, [639](#)
GENESEE COUNTY,
Erected, [8](#)
C. Picas, additional term granted, [419](#)
GENEVA,
Aqueduct company incorporated, [317](#)
GEORGE, a Seneca Indian,
Act pardoning, [404](#)
GLEBE LANDS,
In the German Patent, charter thereof altered, [374](#)

GOSHEN,
Church authorized to sell lands, [617](#)
GOVERNOR,
May desist from executing the act respecting balances due United States, [181](#)

Pri. secretary, salary increased, [ib.](#)
GREENE COUNTY,
Monies to be raised for completing gaol, [255, 466](#)
Terms of its courts altered, [248](#)

GUARDIANS,
Surrogates authorized to appoint, [158](#)
GULL ISLANDS—See United States.

HARP, GEORGE,A lot of land to be granted to, [364](#)**HEADING,**Made of ash timber, may be exported, [50](#)**HEALTH PHYSICIANS,**For Albany and Hudson, their fees for inspecting vessels, [471](#)**HENRY, JOHN, and others,**Authorized to hold real estate, [395](#)**HENRY JOHN and LYDIA his WIFE,**Act for their relief, [651](#)**HEWITT L. and SHERMAN,**Sum to be endorsed on their mortgage, [398](#)Treasurer to pay money to, [642](#)**HIGHWAYS,**Certain branches of the Chenango river declared public, [310](#)Certain waters in Steuben and Chenango, declared public, [144](#)In the certificate of the 12 freeholders, the word "*absolutely*" may be omitted, [53](#)Late superintendents of, directed to account for and pay monies, [325](#)Do. in Albany, accts. how audited, [175](#)That part of the act regulating, which relates to a part of the Nine-Mile creek, repealed, [311](#)Trees may be planted on the sides of, [143](#)In Richmond, Kings, Queens, &c., [524](#)
See *Roads*.**HILLSDALE DISPUTES—**See *Van Rensselaer, John, the elder*.**HUDSON CITY,**Act authorizing the raising certain sums of money, &c. [22](#)Act relative to, [235](#)**HUDSON'S RIVER,**From Albany to Nicoll's creek, monies for improving, to be raised by lottery, [313](#), [481](#)Navigation between Troy and Waterford, how improved, [313](#)**HUGHES, THOMAS,**Lands to be granted to, [655](#)**HORSE RACING,**Act prohibiting, [52](#)**I**NDIANS,In New-Stockbridge, lands set apart for support of a missionary, [61](#)In Brothertown, acts respecting guardians of infants, roads, lands, fees, wills, &c. [64](#), [477](#)New Stockbridge, funds provided for support of school in, [476](#)Of St. Regis, may hold town meetings, elect trustees, &c. [62](#)Treaties with the St. Regis and Seneca, to be held, [169](#), [170](#)Tuscarora and Seneca, buildings for worship and schools to be erected for them, [63](#), [642](#)Cayuga and Onondaga, governor may purchase their reservation lands, [171](#)See *Oneidas---Senecas*.**INFECTIOUS and PESTILENTIAL DISEASES,**See *Diseases*.**INSURANCE.**Marine insurance company in the city of New-York incorporated, [147](#)Washington mutual assurance company, in do. [152](#)**J**OHNSTOWN, Town of,
\$150 to be raised in, for the support of the poor, [359](#)**JOURNALS and RECORDS,**
Of Provincial Congress, &c. to be transcribed, [648](#)**JURISDICTION—**See *United States*.**JURORS,**For the trials of issues, names of, how drawn, [252](#)**JURY DISTRICTS,**Chenango county, may be divided into two, [159](#)Washington co. divided into two, [465](#)**K**ERN, MICHAEL,A certain quantity of land directed to be granted to, [364](#)

KEYSER, JOHAN, -
And others---See *Quit Rents*.

KINGSTON,
Aqueduct company incorporated, 595
Bridge, expense of building how
raised, 312

LANDS,

Act relative to unappropriated
and forfeited, 504
Aliens permitted to purchase,
hold and convey, 46, 642
Attached to the arsenals and mi-
litary stores, and not in use,
to be leased by the surveyor
general, 336
Forfeited, persons in possession
of, permitted to purchase, 166
For a military post, at Black-
Rock, to be ceded to the U. S. 170
Intrusions on, duty of attorney-
general, juries, &c. respecting, 166
In Hannibal, &c. purchase mo-
ney, time of payment extended, 164
In the Oneida Reservation, con-
veyances for, to be executed
to certain persons, 163
In the counties of Cayuga and
Onondaga, act for the relief
of persons claiming title to, 398
Persons in possession of reser-
vation lands, permitted to
purchase, 166
Proviso in act relative to unap-
propriated, repealed, 642
Relief granted to the purchas-
ers of, in the Cayuga, Oneida
and Onondaga reservations, 393
Reservations, of the Cayugas
and Onondagas, governor au-
thorized to purchase, 171
The Senecas may grant to Jas-
per Parish and Horatio Jones, 170
Tract near Lake-George, con-
veyed to the university, 165
Unappropriated, land office may
direct to be surveyed, 166
Unappropriated, act for the sale
of, &c. 364

LANDS, GRANTED

To Lewis Denney and others,
and Joseph Forbes, 168
To the children of George Sharp, 181
To Eliza Livingston, 189

To John M'Kinstry, 191
To Hannah Fisher and others, ib.
To David Bates, Henry Ten
Eyck and William Gall, 193
To John Shepard, 195
To Joseph Bingham, 197
To James Rynders & Ichabod Coe, ib.
In trust for John Welch and
Samuel Crawford, 198
To representatives of R. Drake, 199
To James Abeel, 200
To Jonathan Winne, 201
To Thomas Quigley, 202
To Daniel Burt, junior, 203
To Myndert Wemple, 365
To Sarah Doxteder, 364
To John Pope, 403
To Joseph De Sylva, 364
To George Harp, ib.
To Catharine Flagcler 654
To Samuel Shirts ib.
To Solomon and Henry Townsend, 361
To Solomon Townsend, 651
To Seth Tobey, 402
To John Denney, 403, 649
To Sarah Evans, 655
To Reuben Drake, 199
To John Bailey 392
To W. & T. Lang and A. Johnson, 199
To Thomas Hughes 655
To John M'Lean, 654
To Samuel Messenger, 363, 504
To Israel Reeve, 403
To Solomon Smith, 360
To Warren Ferris, 402
To Peter Ed. Elmendorf, 397
To Angus M'Lean, 396

LAND, LOCATIONS of,

May be made by Abel Noble
and others, 194

LAND OFFICE,

Commissioners of, to appoint a
chairman in absence of the
governor, 399
Consent and approbation of the
governor, necessary to make
valid the proceedings of, ib.
Powers granted to the com: in
respect to defective titles in
lands granted by the state, 50

LAWS OF THE STATE,

Recording of them no longer ne-
cessary, 333
Duty of secretary with regard to, ib.

LEGISLATURE,

Act apportioning the represen-
tation in, 33

LIBRARY.

Society library at New-York,
annual payments encreased, **42**
LITERATURE.

See Lottery.

LOAN,

See Monies Loaned.

LOAN OFFICERS,

In Orange, persons to inspect
their accounts when to meet **60,642**

In Ulster, their accounts by
whom to be inspected, &c. **ib.**

To procure new books of mort-
gages, **326**

LOCK NAVIGATION,

Act to aid the establishing and
opening the western, **141**

LOTTERY,

Managers, their compensation
limited---accounts how audited, **313**

Do. to pay a sum into treasury, **533**

Avails of, how paid, **313**

An additional sum to be raised by
managers of the literary lottery, **ib.**

Society for relief of poor widows
in N. York, a sum may be rais-
ed by lottery for their benefit, **ib.**

One for opening and improving
certain great roads, authorized, **302**

S. Southwick, appointed a man-
ager in place of John Lovett, **475**

Further sums to be raised by, **481, 527**
LYTLE, ISAAC,

Act for the relief of, **402**



MANHATTAN COMPANY

Certain act not to affect, **609**

MAWIGHNUNCK PATENT,
Receipts and releases for monies
charged on, to be recorded, **41**

MESSENGER, SAMUEL,
Lands, and the privilege of daming
a certain creek granted to, **363, 504**

MILITIA,

Amendatory and supplementa-
ry laws, **56, 336**

MILITARY LANDS,

Relief granted to claimants of, **399, 504**

Surveying fees, time of payment
extended, **347**

MILITARY POST,

Lands for, to be purchased of
the Seneca Indians and con-
veyed to the United States, **170**

MILITARY STORES,

See Arms.

MILLS, PETER,

Land to be granted to, **403**

M'LEAN, ANGUS,

Act for the relief of, **396**

M'LEAN, JOHN,

Act for his relief, **654**

MONIES, TO BE PAID,

To inspectors of state prison, **37, 643**

To the commissioners for erect-
ing buildings for the Senecas, **&c. 63**

To Anna Hunt, **190**

To Alexander Comrie, **192**

To the heirs of Solomon Simpson, **195**

To Matthew Prendergast, **182**

To the legatees of Mary Brannon, **187**

To James Caldwell, **183**

To Jacob Dockstader, an Oncei-
da Indian, **185**

To William Vail, **ib.**

To James and Nancy Waters, **186**

To John Murray, John Oothoudt
and Richard Furman, **187**

To Sarah C. Van Horne, **182**

To Anna Bancker, **185, 642**

To the surveyor general, **166, 648**

To the governor, **170**

To John Atkinson, **646**

To L. Beebee and H. Eckford, **644**

To Lodewick and S. Hewitt, **642**

To the Vestry of St. Andrew's
Church, **193**

To Jonathan Drake, **ib.**

To Peter Colt and N. Sage, **348**

To Robert Boyd and others, **391**

To John M'Lean, **348**

To com. for opening roads, **533**

MONIES, LOANED

By the state in 1792, time of pay-
ment extended, **42**

To Josiah G. Pierson, time of
payment also extended, **190**

MONTGOMERY COUNTY,

Annexed to the Eastern district, **327**

A sum to be raised by tax in
Johnstown, **359**

Day of town meeting altered, **ib.**

Duty of treasurer in relation to
certain taxes, **392**

Feb. term of its courts altered, **461**



NAVIGATION.

See Hudson-river.

NEW-YORK CITY,

Act for the relief of the collectors of taxes,	172
Auctioneers, number increased,	<u>228</u>
----- Their duty in relation to sale of East and W. India goods and wines, &c.	<u>474</u>
Charter officers, act relative to their election,	<u>425</u>
Circuit court and sittings in, acts respecting, continued in force,	<u>457</u>
Commissioner of excise,	<u>224</u>
Com. Council, what to constitute a quorum of,	<u>225</u>
Corporation authorized to raise a sum by lottery for use of the female society,	<u>315</u>
Inspectors of election,	<u>173</u>
Justices courts in, act establishing	<u>435</u>
Police and health, act respecting,	<u>228</u>
Tax, acts authorising certain sums to be raised by,	<u>173, 227, 432</u>
Wards, number encreased,	<u>225</u>
NEW-YORK— <i>Part of,</i>	
Master, wardens and pilots, act respecting,	<u>25</u>

OFFICERS

Of Government, acts for payment of their salaries,	<u>181, 347, 642</u>
Of the late army, and soldiers, who died previous to March 1783, lands declared to vest in,	<u>399</u>
ONEIDA COUNTY,	
Courts, act respecting, &c.	<u>249</u>
Part of Chenango annexed to,	<u>411</u>
Sum to be raised to complete gaol,	<u>253</u>
ONEIDA INDIANS,	
Annual appropriations for,	ib.
Certain treaty with, confirmed,	<u>365</u>
How supplied with corn,	<u>354</u>
ONONDAGA COMMISSIONERS,	
Their powers revived,	<u>355, 504</u>
ONONDAGA COUNTY,	
A sum to be raised for completing court house and gaol,	<u>463</u>
Com. pleas, certain proceedings of, declared valid,	ib.
Courts, place of holding altered,	<u>247</u>
Sheriff's mileage regulated,	ib.
ONTARIO COUNTY,	
Cayuga co. part of annexed to,	<u>223</u>
Certain returns of taxes valid,	<u>392</u>
Sheriff's mileage regulated,	<u>255</u>

ORANGE COUNTY,

Court house & gaol, act respecting	<u>254</u>
Sessions in, May term revived,	<u>60</u>
OTSEGO COUNTY,	
Sheriff's mileage regulated,	<u>255</u>
ORANGE and ROCKLAND,	
Supervisors' duty respecting the loan office,	<u>642</u>
OYSTER-BAY,	
Commons of, act respecting,	<u>492</u>

PARISH J. and H. JONES,

Lands to be granted to,	<u>365</u>
PARKHURST J. and J. HATH- EWAY,	
Directed to pay certain monies,	<u>347</u>
PARTITION of LANDS.	
Certain alterations in the act for,	<u>625</u>
Children of Anth. Rutgers, authorized to execute releases to complete a,	ib.
In Southampton, act respecting,	<u>624</u>

PAUPERS,

See Children—Slaves.

PEDLERS,

Act restraining their selling without licence,	<u>636</u>
PEEBLES GERRET and JOHN BLEECKER,	
Authorized to build a dam,	<u>491</u>
PETERS, GEORGE,	
Act respecting,	<u>204</u>
PHYSIC and SURGERY.	
Act regulating practice, amended	<u>334</u>
W. Firby authorized to practice,	<u>639</u>

POPE, JOHN,

Land to be granted to,	<u>403</u>
PORK—See <i>Beef and Pork.</i>	
POWDER, DAMAGED,	
See Commissary Military stores.	
PRISONS—See <i>Solitary and State Prisons.</i>	

PROBATES—See *Courts.*

QUIT RENTS,

Acts relative to,	<u>169, 340, 504</u>
Comptroller directed to release to Johan Keyser and others,	<u>597</u>

RAFFLING,

Penalty on any person concerned in [52](#)

RECORDERS,

Of the cities of New-York, Albany and Hudson, their fees when payable, [181](#)

Proviso respecting, repealed, [643](#)

RECORDS AND JOURNALS,

Of Provincial Congress, Convention, &c. to be transcribed, [643](#)

REEVE, ISRAEL,

Land to be granted to, [403](#)

REEVES, P. and J. HOWELL,

Authorized to erect a dam over Mud creek, [311](#)

RELIEF GRANTED,

To Jacobus Hasbrouck, jun. and Joel Thompson, [196](#)

To Jon. Winne and Th. Quigley, [201](#)

To John Pope and others, [403](#)

To Isaac Lytle, [402](#)

To Seth Tobey, [ib.](#)

To claimants of land in Cayuga, Onondaga counties, [398](#)

To L. and S. Hewitt, [ib.](#)

To John Keyser, [397](#)

To the heirs of A. Campbell, [395](#)

To purchasers of land in the Cayuga, Oneida and Onondaga reservations, [394](#)

To collectors of taxes in Cayuga, [389](#)

To the representatives of Charles Tillinghast, [390](#)

To Robert Boyd and others, [391](#)

To Stephen Todd, jun. & others, [392](#)

To John Henry and others, [395](#)

To the claimants under J. Brown, [649](#)

To Solomon Townsend, [361, 651](#)

To the representatives of James Board and Caleb D. Ferris, [652](#)

To Nathan Sage and P. Colt, [653](#)

To Thomas Douglass, [ib.](#)

To the heirs, &c. of Wm. Wood, [ib.](#)

To Eliza Livingston, [189](#)

To Abel Noble and others, [194](#)

To Thomas Tillotson, [650](#)

RELIGIOUS SOCIETIES,

Other than chartered ones, may reduce the number of their trustees, [388](#)

REMSEN, PETER,

Lands held in trust by the late, act respecting, [503](#)

REPORTER.

Sup. Court authorized to appoint, [462](#)

REPRESENTATIVES in CONGRESS.

See Congress.

REPRESENTATION—See Congress—Legislature.

RICHMOND COUNTY,

May term of the Court of Common Pleas revived, [246](#)

RESERVATIONS,

Cayuga, Oneida and Onondaga, Principal monies due by purchasers of land in, how payable, [504](#)

Certain privileges extended to certain owners of lands in, [ib.](#)

ROELIFF JANSE's KILL,

Act relative to bridges over, [512](#)

ROADS,

In Kings, Queens, &c. [524](#)

Act for opening and improving certain great roads, [502](#)

From Salina to Genesee river, commissioners to lay out, [519](#)

From the Steel Works to the Hibernia Mills in Dutchess county, [520](#)

From Onondaga court house to Oswego, [526](#)

From Rome thro Redfield, deviations may be made from, [527](#)

From Troy to Batten-kill, and from the Long-falls to Oswegatchie, monies to be raised by lottery for opening, [ib.](#)

From township No. 1, and 2, in Totten and Crossfield's purchase, to Wells' settlement, [530](#)

In Brothertown, when laid out, damages to be appraised, [64](#)

In Shelter Island, regulated, [521](#)

Monies received for certain taxes, appropriated for opening, [&c. 166](#)

Commissioners of, to apply the same, [ib.](#)

Monies to be loaned for opening certain great roads, [533](#)

Near the Salt Works, [531](#)

Relative to the road leading from Albany to the Orange turnpike, [176, 307, 534](#)

To straighten the one from Albany to the Ballstown Springs, [305](#)

See Highways—Trees—Turnpikes.

ROCKLAND COUNTY,

Additional term to the Court of Common Pleas granted to, [246](#)

RUTGERS, ANTHONY, deceased,

His infant children authorized to execute certain releases, [625](#)

SAG-HARBOUR, Port of,
 Freeholders and inhabitants
 vested with special powers, [242](#)
 Monies directed to be raised for
 the improvement of, [313](#)
SAGE NATHAN, and **P. COLT**
 Act for their relief, [653](#)
SALEM, Village of,
 Freeholders and inhabitants
 vested with special powers, [238](#)
SALINA,
 A sum allowed for improving the
 wharf at, road, &c. [643](#)
SALT SPRINGS,
 In Onondaga, act relative to, [339](#)
SARATOGA COUNTY,
 Sept. term of its courts altered, [461](#)
SCHENECTADY,
 Act respecting the streets, elec-
 tion of supervisors, &c. [18](#)
 Aqueduct company incorporated, [590](#)
SCHOHARIE COUNTY,
 May term of its courts altered, [248](#)
SECRETARY,
 Made his duty to convene the
 Comm'rs. of the Land Office, [399](#)
SENATE,
 Representation in apportioned, [33](#)
SENECA COUNTY, erected, [407](#)
SENECA INDIANS,
 Stipulations of a certain treaty
 with them, confirmed, [365](#)
And Tuscaroras, public buildings
 to be erected for, [62](#), [642](#)
SENECA RIVER,
 Penalty for obstructing the pas-
 sage of Salmoh up, [ib.](#)
SHANKLAND, THOMAS,
 Authorized to build a dam across
 the Susquehannah river, [491](#)
SHELTER ISLAND,
 Act for regulating roads in, [521](#)
SHIRTS, SAMUEL,
 Land to be granted his represen-
 tatives, [654](#)
SING-SING,
 Act for extinguishing fires in, [627](#)
SITTINGS—See *Courts*.
SLAVES,
 Children born of, how supported, [51](#)
 Act repealing a section of a form-
 er act respecting the children of, [479](#)
SMITH, SOLOMON,
 A certain island to be granted to, [360](#)
SOLDIERS—See *Officers*.

SOCIETIES, incorporated,
 Female charitable, city of N. York, [154](#)
 Do. do. city of Albany, [602](#)
 Society for propagating the *gospel*, [599](#)
 For the promotion of useful arts, [606](#)
 German charitable, city of N. Y. [606](#)
 Friendly union, city of Albany, [609](#)
SOLITARY PRISON,
 Act authorizing the building of,
 and who to be sentenced to, [39](#)
SOUTHAMPTON,
 Act for the partition of lands in, [624](#)
ST. LAWRENCE COUNTY,
 Courts of, when to be held at the
 new court house, [223](#)
 Court house & gaol, how to be built, [ib.](#)
 Sheriff, when to remove his pri-
 soners, and what security ne-
 cessary for him to give, [ib.](#)
 Votes taken in at next election,
 how returned, [468](#)
STAGE-WAGGONS,
 Exclusive privilege of running,
 acts granting, [322](#), [612](#)
STATE BANK,
 Incorporated, [328](#)
 Comptroller authorized to sub-
 scribe to the stock of, [614](#)
 Stock, how transferred, [ib.](#)
 Directors, in what case to exe-
 cute the duties of state treasurer, [ib.](#)
STATE HOUSE,
 In the city of Albany, commis-
 sioners, appointed for building, [481](#)
 Monies towards erecting, how
 raised, [ib.](#)
STATE PRISON,
 Duties of the agent, factor, and
 other officers prescribed, [35](#)
 Guard to the prison, act respecting, [37](#)
 Plan for the better guarding,
 certain persons to devise, [ib.](#)
 Act regulating labor done in, [648](#)
 No inspector of, to act as agent, [229](#)
 Treasurer directed to pay the
 inspectors certain sums, [642](#)
 Compensation of the officer com-
 manding the guard regulated, [ib.](#)
STAVES—See *Barrels*.
STEAM-BOAT,
 Act relative to, [323](#)
STEUBEN COUNTY,
 Act for improving the naviga-
 ble streams in, [480](#)
 Time extended to the Treasurer
 for performing certain duties, [382](#)
 Part of Cayuga co. annexed to, [407](#)

STEVENS, L. and J. PARKER,
 Right of running stage waggon,
 granted to, **612**
SUFFOLK, QUEENS, KINGS
AND RICHMOND,
 Act amending the act for regu-
 lating highways in, **524**
SUPERINTENDENTS OF
HIGHWAYS,
 Directed to account and pay
 monies in their hands, **325**
SUPPLY BILL,
 Acts for the payment of certain
 officers of government, **181, 347, 642**
SUPREME COURT,
 Authorized to appoint a reporter, **462**
 Terms thereof altered, **245**
SURROGATES—See Courts and
Guardians,
SURVEYOR-GENERAL,
 Appointed one of the Commis-
 sioners of the Land Office, **399**



TAXES,

Acts amending the former law, **59, 621**
 Arrears of, compt. how to publish, **347**
 Act authorizing the payment of
 the arrears of the direct tax, **618**
 --- Supplementary to the act for
 the assessment and collection of, **621**
 Certain monies received for, ap-
 propriated for opening roads, **166**
 Collector of, in the town of Eas-
 ton, to be credited a certain sum, **181**
 Collection of arrears of, in Ovid
 and Aurelius, **620**
 Lands taxed in gross, mode of
 payment prescribed, **ib.**
TILLOTSON THOMAS,
 Act for his relief, **650**
TILLINGHAST, CHARLES,
 Act for the relief of the represen-
 tatives of, **390**
TIMBER,
 Act to prevent the stopping and
 embezzling of, on Hudson river, **640**
TIOGA COUNTY,
 Act for the removal of the clerk's
 office to a central situation, **463**
TOBEY, SETH,
 A lot of land to be granted to, **402**
TODD, STEPHEN, Junior,
 Time extended to him for set-
 tling his accounts as Collector, **392**

TOLL BRIDGES,
See Bridges Toll.
TOWNS erected, **213**
 In Albany county, one, **217**
 In Cayuga, six, **12, 214, 16**
 In Chenango, one, **217**
 In Clinton, two, **413**
 In Columbia, two, **220**
 In Essex, three, **13, 414**
 In Genesee, seven, **8, 419**
 In Greene, two, **221**
 In Onedia, eleven, **11, 17, 215, 415**
 In Onondaga, three, **222, 417**
 In Ontario, two, **11, 213**
 In Otsego, one, **15**
 In Saratoga, one, **13**
 In Schoharie, one, **216**
 In St. Lawrence, four, **3**
 In Ulster, two, **219, 418**
 In Washington, one, **218**
TOWNS, bounds altered, &c.
 Queensbury and Fairfield, **18**
 Steuben, **217**
 Windham, Catskill and **Freehold, 221**
 DeRuyter and Hamilton, **223**
 Jerusalem and Vernon, **ib.**
 Hartwick, **220**
 Mexico and Harrisburgh, **415**
 Bristol and Blenheim, **416**
 Cheescocks changed to Southfield, **60**
TOWN MEETINGS,
 In the present year, act **respecting, 204**
 In certain counties, anniversary
 day of, altered, **434**
TOWNSEND SOLOMON,
 Act to amend the act for his relief, **651**
TOWNSEND, S. AND H.
 Act authorizing a grant of land to, **363**
TREASURER,
 Act continuing him in office, **469**
 In case of vacancy in office of,
 who to perform his duties, **615**
 Act relative to the office and du-
 ties of, amended, **324**
 Abraham G. Lansing appointed, **ib.**
 Directed to pay certain drafts of
 the late Treasurer, **404**
 Committee for examining his ac-
 counts, their compensation, **347, 642**
 Of this state, continued in office, **171**
 To pay certain school monies to
 the treasurer of Ontario, **188**
 To sell the plate in his office be-
 longing to the state, **181**
TREATIES,
 To be held with the St. Regis and
 Seneca Indians, **169, 170**

UNIVERSITY OF MICHIGAN



3 9015 02132 7500

A

761,383

See

